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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

AZERBAIJAN*

[4 January 1996]

* The information submitted by Azerbaijan in accordance with the guidelines concerning the introductory part of the reports of States parties is contained in the core document (HRI/CORE/1/Add.41/Rev.2)

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Introduction

1. The Azerbaijani Republic, having ratified the Covenant and thus recognized all the provisions set forth therein, has undertaken a detailed review of all the legal instruments at present in force with a view to giving full effect to the principles of those provisions. Although Azerbaijan's legal system provides for ensuring observance by the authorities of the provisions of the various human rights documents as they are transformed into national laws and administrative regulations, in every instance in which the country's parliament approves the Republic's accession to a particular international legal instrument it gives concrete instructions to the State institutions involved to take steps to bring the necessary laws and statutory instruments into line with the international document.

I. GENERAL PRINCIPLES

Article 1

2. The Azerbaijani Republic confirms its unswerving commitment to the right of peoples to self-determination, freely to determine their political status and freely to pursue their economic, social and cultural development. Article 16 of the Constitutional Act concerning the State independence of the Azerbaijani Republic reads: "The Azerbaijani Republic, in accordance with the generally recognized rules of international law, bases its relations with other States on the principles of the sovereign equality of States, abstention from the use of force or the threat of force, the inviolability of State frontiers, the settlement of disputes by peaceful means, non-interference in the domestic affairs of other States, respect for human rights and fundamental freedoms, the equality of peoples and their right to self-determination, cooperation between States and the conscientious fulfilment of international legal obligations."

3. The right of peoples to self-determination is of exceptional importance for the people of Azerbaijan, who by consistently giving effect to that right legally re-established its independence. Article 69 of Azerbaijan's Constitution reads: "The people of Azerbaijan shall have the imprescriptible right to choose its own form of government, to determine its relations with other peoples and to develop its political, economic and cultural life in accordance with its historical and national traditions and universal human values."

4. "Sovereign power in the Azerbaijani Republic shall belong to the people of Azerbaijan. No fraction of the people of Azerbaijan and no private person may usurp the authority to exercise that power. The people of Azerbaijan shall exercise its sovereign power through referendums and through its representatives in the Parliament of the Azerbaijani Republic, elected on the basis of universal, equal and direct suffrage by secret ballot" (art. 70).

5. "The people of Azerbaijan shall guarantee the democratic structure of the Azerbaijani Republic and the rule of law as an expression of the people's will" (art. 71).

6. The Azerbaijani Republic is firmly convinced of the need to give unstinting support to peoples struggling for their liberation and the restoration of their fundamental rights, the most important of which is the right to self-determination. We are also convinced that the main guiding principles of democratic societies - equality, respect for the law, observance of human rights, freedom of choice and tolerance - must in equal measure be applicable to international relations, which must be based on the principles of the sovereignty, equality and territorial inviolability of States, non-interference in their internal affairs and peaceful coexistence.

7. At the present time the question of concrete instances of the application of self-determination and the limits within which it should be applicable is becoming an increasingly complex and difficult matter. In this the most complex problem is the harmonious combination and reconciliation of the principle of the right of peoples to self-determination with the principle of the territorial inviolability of States.

8. The practical implementation of the right to self-determination must not be interpreted as grounds for encroaching on the territorial integrity, national unity and ethnic harmony of an independent State. The Azerbaijani Republic is in favour of giving the right of peoples to self-determination its initial and authentic signification, which does not erode but on the contrary strengthens the national independence, sovereignty and territorial integrity of States whose Governments reflect the interests of the whole population without any discrimination whatsoever.

9. Events taking place in the world bear witness to the fact that the absence of a clear-cut approach by the international community to the question of self-determination, its limits and the instances in which it should be applied is leading to the creation of an explosive situation and interethnic strife. For that reason only a strengthening of the fundamental principles contained in the Charter of the United Nations regarding the relations between States can decrease the threat of ethnic dislocation and tension. The best defence against that threat is genuine democracy and a representative political system open to participation by all citizens, including those belonging to minorities.

10. As ideological and other barriers to mutually advantageous cooperation are overcome, new challenges to security and stability arise. There is increased risk of aggressive nationalism, religious and political extremism, terrorism and separatism. The Azerbaijani Republic shares the anxiety of the world community in regard to the tendency that has been noted towards interpreting the right of self-determination as a right for any ethnic or national grouping to set up its own State structures.

11. Self-determination, like any other right, is treated in United Nations documents as a principle that does not afford grounds for encroaching upon another fundamental principle - the independence and territorial integrity of States. Despite this, there have recently been a number of attempts to utilize the lofty idea of self-determination for self-serving purposes - to justify territorial expansion on the pretext of anxiety for related ethnic groups in other States, particularly multi-ethnic States. In such cases the

implementation by one ethnic group of the right to self-determination leads to depriving other ethnic groups of fundamental rights and in some instances to complete "ethnic cleansing".

12. The most blatant example of a perverse interpretation of the right to self-determination lies in cases when the principle is used to cloak armed aggression against an independent State and to consolidate annexation of its territory. Thus, the Republic of Armenia is widely propagating the theory that the basis of its conflict with Azerbaijan is "the desire for self-determination of the Armenian community in the Nagorno-Karabakh Region of Azerbaijan", a region that before the conflict enjoyed the widest political, economic and cultural autonomy as part of Azerbaijan. However, the facts prove that as long ago as 1989 the Armenian Parliament, disregarding the rules of international law, took a decision to annex to Armenia part of another State, viz. the Nagorno-Karabakh Region of Azerbaijan. This decision of the Armenian Parliament was carried into effect by the Armenian armed forces, making wide use of gangs of mercenaries and intense activation of the terrorist activities of the Armenian special services and terrorist organizations against sovereign Azerbaijan with a view to forcibly wresting from her part of her ancestral territories.

13. As a result of the war waged for over seven years by the armed forces of Armenia, over 20 per cent of the territory of Azerbaijan has been occupied and held, including the Nagorno-Karabakh Region and an area over four times the size of that Region. As a result of the aggression and the ethnic cleansing of Azerbaijanis from Armenia itself and the occupied territories in Azerbaijan, there are now in our Republic over a million refugees and displaced persons and the human rights of citizens of Azerbaijan are being trampled upon. Thousands of those citizens, mainly women, children and old people, are being held in Armenia as hostages, while tens of thousands of people have been killed and hundreds of thousands maimed.

14. The conclusion is inescapable that in this instance it is not implementation of the right to self-determination that is taking place but a gross violation of paragraph 4, subparagraph 2, of the Charter - the use of force against the territorial integrity and political independence of a State Member of the United Nations. The case of Azerbaijan can serve as evidence that in order to avoid bloody conflicts, the world community must tread more carefully in its approach to every concrete instance in which implementation of the right to self-determination is proclaimed and must clearly distinguish between a desire for self-determination and external aggression.

Article 2

15. Article 35 of the Constitution of the Azerbaijani Republic guarantees to foreign nationals and stateless persons in the Republic the rights and freedoms laid down by law, including the right to have recourse to the courts and other State organs with a view to protecting their personal, property, family and other rights. Foreign nationals and stateless persons in the Azerbaijani Republic enjoy the same rights and freedoms and are under the same obligations as citizens of the Republic unless otherwise provided in the Constitution of the Azerbaijani Republic, the present law and other legislative instruments of the Azerbaijani Republic. Foreign nationals and

stateless persons in the Azerbaijani Republic are equal before the law without distinction as to origin, race, nationality, sex, education, language, attitude to religion, type and features of occupation or other circumstances.

Work

16. Foreign nationals and stateless persons may work as workers or employees in enterprises, establishments and organizations or engage in other working activities, subject to the principles and procedures laid down for citizens of the Azerbaijani Republic. Foreign nationals staying temporarily in the Republic may engage in working activities therein if this is compatible with the purposes of their stay in Azerbaijan.

17. Foreign nationals and stateless persons may not be appointed to certain posts or engage in certain forms of working activity if under the legislation of the Azerbaijani Republic appointment to those posts or engagement in those forms of activity are dependent on possessing citizenship of the Azerbaijani Republic.

18. Foreign nationals and stateless persons enjoy the same rights and are subject to the same obligations in their working relationships as citizens of the Azerbaijani Republic.

Leisure

19. Foreign nationals and stateless persons in the Azerbaijani Republic have a right to leisure on the same basis as citizens of the Republic.

Health protection

20. Foreign nationals and stateless persons in the Azerbaijani Republic have the right to protection of their health and the provision of medical care on the same footing as citizens of the Republic.

Social security

21. Foreign nationals and stateless persons living permanently in the Azerbaijani Republic have the right to receive pensions and to enjoy other forms of social security on the same basis as citizens of the Republic. In cases where payment of a pension depends on a certain length of service, foreign nationals, in accordance with the principles and following the procedures laid down in the legislation of the Azerbaijani Republic, may take into account in that length of service their work in other countries.

Right to housing

22. Foreign nationals and stateless persons living permanently in the Azerbaijani Republic have the right, on the same basis as citizens of the Republic, to receive a dwelling for their use. These categories of persons, however, do not have the right to become proprietors of dwellings.

Right to education

23. Foreign nationals and stateless persons shall have a right to receive an education on the same footing as citizens of the Azerbaijani Republic and may enrol in educational establishments in the Republic on the basis of the statutes of international organizations of which the Azerbaijani Republic is a member or in which it participates, or on the basis of treaties and agreements between the Azerbaijani Republic and various teaching establishments, organizations, institutions or structures, or again on the basis of individual agreements made with certain persons desirous of receiving an education in the Azerbaijani Republic.

Right to enjoy the achievements of culture

24. Foreign nationals and stateless persons have the right to enjoy the achievements of culture on an equal footing with citizens of the Azerbaijani Republic.

Right to take part in public organizations

25. Foreign nationals and stateless persons have the right, on an equal footing with citizens of the Azerbaijani Republic, to join trade unions, scientific, cultural and sports associations and other public organizations, unless precluded by the statutes of said organizations.

Marital and family relationships

26. Foreign nationals and stateless persons enjoy the same rights and bear the same responsibilities as citizens of the Azerbaijani Republic in respect of marital and family relationships and may also enter into and dissolve marriages with citizens of the Republic and other persons in accordance with the legislation of the Azerbaijani Republic.

27. All the rights recognized in the Covenant, without exception, are governed by the provision that no discrimination shall be allowed by the national legislation, which is based on the equality of citizens of the Azerbaijani Republic before the law, regardless of origin, social and property status, race and nationality, sex, education, language, attitude to religion, type and features of employment, place of residence or other circumstances.

28. Any sort of direct or indirect limitation of rights, the conferment of direct or indirect advantages on citizens on the basis of national and racial characteristics, and any advocacy of racial or national exclusiveness, hatred or contempt is punishable by the law. The Penal Code of the Azerbaijani Republic provides for criminal liability in respect of deliberate acts directed towards the incitation of national or racial enmity or discord, the impugnment of national honour and dignity or the direct or indirect restriction of rights or the establishment of direct or indirect privileges for citizens by reason of their race or nationality.

II. INFORMATION ON INDIVIDUAL ARTICLES OF THE COVENANT

Article 6

29. On 19 May 1992 the Azerbaijani Republic acceded to International Labour Organization Conventions No. 122 (Employment Policy Convention, 1964) and No. 111 (Discrimination (Employment and Occupation) Convention, 1958). Reports on the application of the provisions of these two conventions were submitted to an ILO Committee of Experts in September 1993 and in 1994 respectively.

30. The provisions of this article in the Covenant are reflected in the national legislation. Thus, article 38 of the Constitution of the Azerbaijani Republic guarantees the citizens of the Republic the right to work, i.e. to receive payment for performing work commensurate with its quantity and quality and not less than the minimum laid down by the State, including the right to choose a profession, a type of occupation and work in accordance with their vocation, capacities, professional training and education and taking into account the requirements of society. Article 1 of the Act "Employment of the population in the Azerbaijani Republic", adopted on 27 June 1991, established the exclusive right of citizens to dispose of their capacities for productive and creative labour. This right is ensured by the provision of free vocational and professional training, improvement of qualifications and teaching of new skills and by the development of vocational guidance and work placement.

31. Article 10 of the Education Act of 7 October 1992 provides for the implementation in the Republic, in addition to programmes of general education, of a programme of special occupational and professional education comprising:

(a) Professional and technical education;

(b) Medium-grade specialist education;

(c) University-level specialist education; and

(d) Post-graduate professional education (internships, masters' degrees, doctorates).

Having received a particular form of professional education, citizens of Azerbaijan have the right, subject to economic conditions, to select the area of employment in which to apply what they have learned. The State system of employment services provides considerable assistance in choosing a job.

32. Article 5 of the Act "Employment of the population of the Azerbaijani Republic" provides for the State to carry out a policy for giving effect to the rights of citizens to full, productive, freely selected employment. Under article 7 of the same Act, citizens have the right to select a job by direct application to an employer or through the good offices of the State Employment Service. Citizens registered with that Service as seeking employment are entitled to free consultation for vocational guidance, vocational training, retraining and information to enable them to choose a

suitable occupation, place of work and working conditions (art. 8,. The right of citizens freely to choose the type of work they want to do is guaranteed by article 17 of the Azerbaijani Republic's Code of Labour Legislation, which prohibits unjustified refusal to accept someone for employment.

33. Occupational training is provided by specially established occupational training establishments and by employers themselves through vocational training, retraining and improvement of qualifications in sandwich or in-service courses.

34. A particular role in the system of training and retraining of personnel is played by the State employment services, which carry out occupational training, improvement of skills and retraining of citizens registered with them as seeking work if

(a) It is impossible tc find a suitable occupation because of the applicant's lack of the necessary qualifications;

(b) It is necessary to change occupations (qualifications) because of the lack of work corresponding to the applicant's skills;

(c) If the applicant has become incapable of working in his or her former occupation (speciality).

The training, retraining or improvement of qualifications is carried out either in the training centres of the Employment Service itself or in other teaching establishments under contract between them and the Service.

35. To evaluate the position in regard to labour resources in the Republic, an analysis of a number of economic factors is required. These include in particular the growth in the population of the Republic. Between 1975 and 1994 this amounted to 30.6 per cent. The growth in labour resources was 42.1 per cent. The ratio of labour resources to the total population in 1994 was 53.6 per cent, an increase of 4.2 per cent since 1975. As for the age composition of the labour resources, the proportion of persons of working age was 95.4 per cent. Older people engaged in social production made up 4.3 per cent. Adolescents in social production accounted for 0.3 per cent of labour resources. Between 1975 and 1994 the proportion of labour resources represented by each age group showed negligible change (±0.3 per cent). During that period the proportion of older people engaged in social production increased by 24.5 per cent. The proportion of adolescents engaged in social production fell by 48 per cent. The high proportion of people under working age and the low proportion of people above it indicate that Azerbaijan's age structure can be classified as young. In the period 1975 to 1994 the biggest increase occurred in the proportion in the population of persons of working age - 21.5 per cent. This indicates that the Republic is well provided with labour resources.

36. Different proportions of male and female labour are employed in different branches of material production. The predominance in the economy of branches of material production in which mostly men are employed means that more labour resources can be diverted to the non-production sector, in which mainly women are employed. The development of branches of material production employing

mainly women may bring about a shortage of workers in branches of the non-productive sector, since the higher rates of pay in branches of the material production sector make them more attractive to women. For that reason, when determining the age structure of material production in the various regions, an effort must be made to ensure that the proportion of male labour in the branches of material production is higher than that of female labour so that the non-productive sector can be fully provided with staff. There are a greater number of men employed in material production, a factor favourable for providing the non-productive sector with staff.

37. It should be noted that the greatest increase in the number of working women occurred in 1960 to 1970, when it reached 83.6 per cent. Afterwards, the rate of increase lessened. In 1970 to 1980 it amounted to 48.3 per cent and in 1980 to 1989 to 17.7 per cent. Between 1960 and 1989 the proportion of women in the total workforce rose by 5 per cent. The reason for the largest intake of women having occurred in 1960 to 1970 was the limitation during those years on income-generating personal ancillary occupations. Deprived of the opportunity of making an income from such ancillary pursuits women were forced to work in social production. The high level of female employment cannot be an indication of the effectiveness of women's labour if it has a detrimental influence on reproduction of the population. For that reason the process of attracting women into social production must not run counter to the interests of reproducing the population, to the interests of motherhood.

38. Of the total number of women employed in branches of the economy 37.7 per cent work in the non-production sector. Despite the fact that in health, physical culture and social welfare the rate of increase in the number of women employed is lower than the rate of increase in the number of men, the proportion of women in those occupations remains high - 74.4 per cent. The proportions of women among those employed in national education (62.4 per cent), culture (64 per cent) and financial services and insurance (65.4 per cent) are high. The rates of increase in those branches were 20.8 per cent, 7.6 per cent and 7.9 per cent respectively. There is still a relatively low proportion of women employed in building maintenance and household services (42.6 per cent) and the arts (33.6 per cent), despite rates of increase of 16.3 per cent and 16 per cent respectively.

39. The proportion of women among university-educated specialists employed in the non-productive sector is 55.8 per cent, in industry 29.4 per cent, and in trade, the public catering system, material and technical supplies and sales and purchasing 32.2 per cent. The percentage of women university graduates in the national economy as a whole is 44 per cent. Thus, the biggest proportion of women with higher education is employed in the non-production sector. Among specialists with special secondary education in the national economy as a whole, women make up 48.4 per cent and in the non-productive sector 72 per cent.

40. The fact that women predominate in the non-productive sector makes it particularly urgent to reduce the overall workload and improve the working conditions in that sector. Under conditions of the transition to a market economy, it is essential that the educational system should train staff of high professional mobility and ready to accept new technology and new methods of organizing production and labour.

41. Employment is of course the socio-economic process of applying the labour of the various sociodemographic groups of the population to various spheres of activity (social production, cooperative, personal ancillary and domestic tasks, individual labour and teaching). To ensure full employment in the Republic, for many years a policy was followed of drawing labour resources to the maximum possible extent into social production. The participation of some population groups in social production was caused by the non-intensive development of the economy, low family incomes and restricted opportunities to engage in individual working activity. Under those conditions the sex and age composition of the population, work skills and the professional standard of the workforce were not always taken into account. This approach to employment led to labour shortages in some regions of the Republic and labour surpluses in others, with problems arising in regard to the employment of women, young people and the old. To throw light on the employment situation it should be noted that between 1975 and 1994 the number of people employed in branches of the Republic's economy rose by 28.2 per cent

42. The number of students of working age receiving training other than on an in-service basis had fallen by 17.5 per cent in 1994 compared with 1975. The biggest rise had occurred in the number of people of working age employed in personal ancillary pursuits and work in the home - 125.6 per cent. Whereas in the period 1975 to 1990 the proportion of people engaged in branches of the economy hardly changed (65.7 per cent in 1975, 64.9 per cent in 1990), the percentage had dropped by 1994 to 56.4 per cent. The proportion of persons of working age employed in personal ancillary tasks and work in the home in 1994 amounted to 37.2 per cent, a rise of 13.7 per cent compared with 1975. The reason for the change lies in the transformation in the Republic's economy. In particular, the transformations underlying the changed proportions are the introduction and development of various forms of property, freedom to choose one's sphere of activity, the authorization of individual working activity, etc. The further development of various forms of property will possibly contribute still further to increasing the number of those employed in personal ancillary and domestic work. Freedom to choose one's sphere of activity will allow a certain portion of the workforce to leave State enterprises and organizations, to engage in private enterprise or to work in personal ancillary or home activities.

43. The Act of the Azerbaijani Republic "Employment of the population in the Azerbaijani Republic" (art. 5) defined State employment policy, the essence of which is that the State will ensure that a policy is conducted that will help to give effect to the citizens' right to full, effective and freely chosen employment. This State employment policy comprises:

(a) Measures to ensure equal opportunities for all citizens living in the Republic, regardless of nationality, sex, race, social status, political convictions and attitude to religion, to implement their right to work and the free choice of employment;

(b) Support for the working and entrepreneurial initiative of citizens in regard to employment and help in the development of their capacities for productive and creative work;

(c) Respect for the voluntary nature of work and the free will of the citizens in their selection of their employment;

(d) The provision of social protection in the sphere of employment and the taking of special steps to ensure the employment of citizens experiencing difficulties in finding work;

(e) Coordination of activities in the employment field with activities in other departments of economic and social policy, including social welfare, regulation of the growth and distribution of income and the prevention of inflation;

(f) The encouragement of employers who create new jobs, particularly for citizens requiring social protection and experiencing difficulties in finding work;

(g) Coordination of the activities of State bodies, trade unions of the Azerbaijani Republic, their organizations and associations (unions) of employers in devising, implementing and monitoring measures to ensure employment for the population; and

(h) International cooperation in finding solutions to employment problems.

44. The level of employment in respect of potential labour resources is 65 per cent. From the demographic point of view 43 per cent of the workers and employees in the national economy are women and over 31 per cent young people.

45. From the territorial aspect no considerable changes have occurred. Areas of the Republic (excluding the Apsheron economic zone) in which 68 per cent of all labour resources are concentrated, account for only 38 per cent of the economic potential and 29.9 per cent of workers and employees. This involves considerable territorial differences not only in economic but also in social indicators of development and makes it impossible to draw the labour resources of the Republic more fully into the national economic cycle. Here it is important to mention the adverse demographic consequences of the uneven distribution of productive forces and the gradual exodus of the population (including roughly 80 per cent of those of working age) from all economic zones to Aspheron, in which over 30 per cent of the country's labour resources are already concentrated.

46. The structure of employment by branch of the economy is extremely irrational and has long been stagnant. Despite the fact that the rate of increase in employment in the non-productive sector outstrips the rest, employment in material production remains at the level of 70 per cent. The most unfavourable branch employment structure has developed in agriculture. Analysis of this structure in the rural areas of the Republic shows that 90.8 per cent of those employed are engaged in branches of material production, including 77 per cent in agriculture, and only 9.2 per cent in non-productive branches. For a long time there have been no substantial changes in the development of the social infrastructure of the countryside.

The inadequate scale of development of non-agricultural production and the service sector in rural areas, the hard physical labour, etc. have led to a considerable exodus of the population into the towns.

47. As for changes in interrelationships in employment structure, special attention must be paid to the agricultural regions which lag considerably behind the urban areas in socio-economic development. This is due to the fact that in the rural areas there is only narrow scope for the application of labour, mainly directed to the production of foodstuffs and of raw materials for branches of industry. There is still quite a high rate of natural increase in the population in the countryside. This natural population increment and the narrowness of the scope for the application of labour lead to an increase in labour reserves and the inefficient use of those working in social production. The inadequate development of the social infrastructure has a detrimental effect on keeping the population attached to the rural areas. That is the reason for the migration from the countryside to the towns.

48. Before the transition to a market economy there were a certain number of unemployed in Azerbaijan but no statistics were kept. With the fall in production and the rupture of economic links, a rise in the number of workless was inevitable. The number of people out of work, leaving out refugees and displaced persons, amounted officially to roughly 400,000. However, according to information from the employment service, in 1993 only about 18 per cent of the real labour reserve applied to the regional employment centres and of those 26 per cent were granted unemployed status.

49. Under conditions in which the rate of growth in the number of people of working age is outstripping the growth in the number of persons employed and in which unemployment exists, there are on average in the Republic 11,000 job vacancies - 66.5 per cent of these are in the service sector, the level of which is very low. Examination of posts in the Republic as a whole indicates that two thirds of them do not match up to today's requirements. Their updating will lead to the suppression of about 200,000 posts, which means 250,000 to 300,000 redundancies.

50. Between August 1991 and 1 July 1995 about 165,000 persons applied to the employment service on matters of work placement (39,000 in the city of Baku). Of these 85,000 were found jobs (7,400 from Baku), 7,400 were sent for vocational training (1,400 from Baku) and 4,400 were given paid employment in public works (about 2,000 from Baku). During that period about 40,000 unemployed persons in the Republic received unemployment benefit (over 1,000 in Baku). Out of the roughly one million refugees and displaced persons who had been forced to leave their homes as a result of the armed aggression of the Republic of Armenia against the Azerbaijani Republic, 95,000 were found jobs (24,600 in Baku).

51. Analysis shows that the bulk (59.3 per cent) of the reasons for unemployment have an economic content, and 33.8 per cent are of a social nature. Study of the qualitative make-up of persons seeking jobs indicates that 12.4 per cent have professional qualifications, 86.5 per cent have had an elementary education and 1.1 per cent have no education or have not stated its level. At the present time the transformations of the economy are leading to

a process of reducing the volume of production in the State sector of the economy, and of denationalization and privatization. These changes, together with the severance of economic linkages, may contribute to an increase in unemployment. As a result of the denationalization process, the employment of the population of working age will be based on the principle of freedom of choice of sphere and type of activity. This will be assisted by the development of the economy in accordance with a multiform system based on State, collective and private forms of property.

52. In accordance with article 15 of the Act "Employment of the population in the Azerbaijani Republic", the organs of the State employment service together with the organs of State administration, the local authorities and the employers will work out every year national and local employment programmes, which are considered as one of the main instruments for implementing the State employment policy. Each programme will lay down measures for coordinating activities designed to achieve full and productive employment and regulate the processes that arise on the labour market, ensuring social support for the population, and economic and organizational measures to ensure employment through job creation and assistance in the vocational training and retraining of workers applying to the employment service. The measures in the programme are designed to provide all citizens with equal opportunities to work and freely choose their employment, to assist the employment of particular population groups for whom it is difficult to find suitable work and also to provide better economic incentives for enterprises and organizations to increase job creation and to adopt flexible forms of employment. To finance measures for implementing the State employment policy use is made of the State Fund of the Azerbaijani Republic for Promoting Employment.

53. Encouragement of self-employment and active promotion of entrepreneurial initiative by means of loans on easy terms, changes in the tax system and the establishment of a market in means of production, raw materials and other materials are considered as important aspects of employment policy.

54. Vocational and professional training in Azerbaijan is provided by specially established teaching establishments and by the employers themselves in the form of occupational training, retraining and skill enhancement through in-service courses and courses outside the workplace. A particular role in the system of training and retraining staff is played by organs of the employment service who carry out this work for job seekers who have registered with them, providing the training either in their own training centres or in other teaching establishments with which they have signed contracts.

55. The transition to a market economy involves a number of difficult problems of vocational guidance and training. Azerbaijan long ago built up and is quite successfully operating a system for the vocational guidance of young people, a system that begins in the schools for general education. An "Education Act", adopted by the Azerbaijani Republic in 1992, makes provision on a common basis for the implementation in the Republic not only of general educational programmes but also of a vocational technical programme, a secondary special programme, a university-level special programme and a programme of postgraduate professional training (internships, second degrees, doctorates).

Article 7

56. The Azerbaijani Republic has acceded to the following ILO Conventions:

No. 131: Minimum Wage Fixing Convention, 1970, ratified 11 March 1993;

No. 100: Equal Remuneration Convention, 1951, ratified 11 May 1992;

No. 14: Weekly Rest (Industry) Convention, 1921, ratified 18 May 1992;

No. 106: Weekly Rest (Commerce and Offices) Convention, 1957, ratified 19 May 1992;

No. 132: Holidays with Pay Convention (Revised), 1970, ratified June 1994.

The appropriate reports on all these Conventions have been submitted to the ILO Committee of Experts.

57. The inadmissibility of any discrimination, including economic, is set forth in article 19 of the Constitutional Act of the Azerbaijani Republic, which guarantees the equality before the law of all the citizens of Azerbaijan and ensures observance and the unhindered application of all rights and freedoms, regardless of sex, race and nationality, religious faith, social origin, political beliefs and other circumstances. Article 17 of the Code of Labour Legislation of the Azerbaijani Republic prohibits any direct or indirect privilege based on sex, race, nationality or attitude to religion when being accepted for employment. Article 19 of the Constitutional Act "The State Independence of the Azerbaijani Republic" of 18 October 1991 prohibits discrimination based on any of the differences mentioned, including discrimination based on features of social origin or political convictions.

58. Under the Constitution of the Azerbaijani Republic the labour of workers is remunerated in accordance with its quantity and quality and any reduction in pay on the grounds of sex, age, race and nationality is forbidden. Citizens of the Azerbaijani Republic are guaranteed a wage no lower than the minimum wage established by the State (art. 84 of the Code of Labour Legislation).

59. For persons with family obligations, and particularly for women with children, a system has been established of privileges and guarantees designed to give effect to rights to motherhood, bringing up children and protecting their health, together with a system of social guarantees and the payment of all sorts of benefits (chap. 12 of the Code of Labour Legislation).

60. Great attention is paid in Azerbaijan to ensuring that citizens enjoy healthy and safe working conditions. On 19 September 1992 a Labour Protection Act was passed in Azerbaijan under which labour protection is defined as a system of socio-economic, organizational, technical, sanitation, hygienic, curative and prophylactic measures and means designed to ensure the safety, health and working capacity of persons engaged in work activities (art. 1). Care for the health of working citizens finds expression in the compulsory medical examination of certain categories of people under 21 years of age and

those taken on for work under conditions harmful to health. Article 162 of the Labour Protection Act stipulates that workers and employees engaged in heavy work or work under harmful or dangerous conditions or work connected with transport movements must undergo obligatory preliminary medical examinations on entering employment and (from 21 years of age onwards) regular annual medical checkups to determine their fitness for the work proposed and prevent occupational diseases. Sanctions against employers are envisaged if they infringe these clauses of the legislation in force.

61. Articles 31 to 34 of the Labour Protection Act lay down the material liability of employers for failure to provide healthy and safe working conditions (art. 31):

(a) The material liability of an employer in the case of the permanent loss of working capacity or death of a worker as a result of an accident at work or the contraction of an occupational disease (art. 32);

(b) The economic liability of employers for the disposal and sale of products for production purposes that do not comply with labour protection requirements;

(c) Liability of persons in official posts for infraction of legislation or other statutory instruments on labour protection, etc. (expressed in the Penal Code, the Code of Administrative Infractions, the Regulations on Compensation for Material Damage, etc.).

62. The right of citizens of Azerbaijan to leisure is guaranteed by article 39 of the Constitution of the Azerbaijani Republic and its implementation is based on the Code of Labour Legislation of the Republic and the Act "Holidays in the Azerbaijani Republic", which regulate in detail employers' obligations in regard to leisure time (rest days and holidays of adequate length). The normal duration of the working week in Azerbaijan is fixed at 41 hours (art. 46 of the Code of Labour Legislation). A draft new Labour Code has not been prepared under which the number of hours in the working week has been reduced to 40 in line with the requirements of ILO Convention No. 52. The five-day week is the most common in Azerbaijan, with a six-day week in certain sectors (education, health, etc.). Thus, the citizen most often enjoys two days off per week for organizing rest and leisure. Workers with a six-day working week have in addition to one day off a longer period of rest between two working days, which enables them too to organize their rest and leisure.

63. Article 6 of the Act "Holidays in the Azerbaijani Republic" lays down the minimum duration of the basic annual holidays for workers as 21 calendar days, while for some workers it is fixed at 30 calendar days. In addition the Act provides for a system of extra holidays for length of service for women with children and in respect of severe or dangerous working conditions. Some categories of worker by virtue of specific features of their work or their state of health or age or the special services they have rendered are granted longer holidays lasting up to 56 days and in some cases even more. This applies to teaching staff, scientists, minors (under 18 years of age), the handicapped and national heroes.

64. During the period of their annual holiday, citizens are paid their average wage, usually calculated on the basis of the 12 months preceding the beginning of the holiday. The Ministry of Health and Social Welfare of the Azerbaijani Republic has devised methods of calculating holiday pay that make allowance for inflationary processes. Under national legislation there is a ban on bringing people to work on rest days, bank holidays and other non-working days. In exceptional cases when there are grounds for such extra working, compensation is given in the form either of days off or of a higher rate of pay.

Article 8

65. The Azerbaijani Republic acceded on 21 June 1992 to the International Covenant on Civil and Political Rights under which an initial report was submitted to the United Nations Human Rights Committee in July 1994; on 12 May 1992 the Republic acceded to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and to the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) and on 11 March 1993 to the Labour Relations (Public Service) Convention, 1978 (No. 151). Reports on implementation of these conventions were submitted to the ILO Committee of Experts on 24 September 1994.

66. The trade unions of Azerbaijan represent one of the social forms of organization of a modern society. They form a component part of the overall structure of the political foundations of the Republic. They take part in efforts to solve social and State problems within their field of competence, help to carry out economic, sociopolitical and cultural tasks and have the right to initiate legislation. Thus they reflect the interests not only of the workers but also of such social groups as office workers, the intelligentsia and agricultural workers.

67. By their nature trade unions in Azerbaijan do not behave as an instrument of the political authorities, since they possess no attributes for doing so. The standards and rules of behaviour of trade unions in the community in Azerbaijan are defined only by their statutes and also by the decisions of congresses, conferences and other governing bodies and are intended only for the members of trade union organizations. These decisions are not binding on all citizens of Azerbaijan and their implementation is not ensured by compulsion but is based exclusively on the power of moral persuasion and education. Thus the trade unions in Azerbaijan are independent public organizations, governed by their members themselves.

68. In their work the unions are guided by the provisions of the relevant ILO conventions (see para. 65).

69. An extremely important factor in the enhanced role played by trade unions in the public life of Azerbaijan is the consolidation of their legal position. In 1994, after careful discussion, the National Assembly (Parliament) of the Azerbaijani Republic adopted the first Trade Union Act in the history of the trade union movement in Azerbaijan. This Act puts no restrictions on implementation of the right to join trade unions or to found them.

70. It grants trade unions the right to form federations or confederations and to become members of international trade union organizations. Observance of that right can be clearly seen from the example of the formation of the Trade Union Confederation of the Azerbaijani Republic, the largest public organization in the country, which is non-political and independent of the State or economic authorities or any link in the political system.

71. Any citizen of Azerbaijan, regardless of social status, sex, race and nationality, who has reached 18 years of age and possesses legal competence may join one of the trade unions active in the Republic.

72. No special legal provisions exist or are implemented in practice in respect of the founding of trade unions for specific categories of workers in Azerbaijan. Acceptance into membership of trade unions in Azerbaijan is carried out democratically, on a strictly individual basis and without compulsion. A number of categories of citizens are not allowed to join trade unions. These are members of the armed forces, and officials of the Ministry of Internal Affairs and of the Ministry of State Security.

73. An important document regulating the way in which a trade union carries out its activities in Azerbaijan is its statutes, which lay down the principles and forms of its organizational structure, the regulations and norms governing its internal workings, its tasks, and its forms and methods of work. The statutes reflect the most essential aspects of trade union life and lay down the law for members. They are adopted by a trade union's supreme body - its congress - and may be supplemented or amended solely by a congress. The statutes do not lay down any special conditions for becoming a member.

74. The Trade Union Confederation of Azerbaijan brings together 33 trade unions covering different branches and two interbranch groupings, among them:

The Trade Union Council of the Nakhichevan Autonomous Republic;

The Confederation of Labour of the Nakhichevan Autonomous Republic;

Republican Committees of:

motor transport and highway workers;

aviation workers;

workers in geology, geodesics and cartography;

cultural workers;

workers in forestry and its branches;

workers in mechanical engineering and instrument-making;

workers in local industry and municipal services;

fishery workers;

communications workers;

workers in retail and consumer cooperatives;

workers in State establishments;

workers in the metallurgical industry;

workers in water transport;

medical workers;

workers in cooperatives;

workers in the agro-industrial sector;

workers in textiles and light industry;

workers in national education;

railway transport workers;

workers in the building and construction sector;

workers in the chemical and petrochemical industries;

workers in power stations and electrical engineering;

workers in the petroleum and gas industry;

workers in heavy mechanical engineering;

workers in the radio-electronic industry;

workers in defence industries;

workers in research and production cooperatives;

workers in the poultry industry;

workers in the cereal-products industry;

workers in spas and health resorts;

workers in hydrometeorology;

workers in the motor-vehicle and agricultural-machine industry.

75. In accordance with the Trade-Unions Act, there are in Azerbaijan, in addition to the unions covering various branches and belonging to the biggest trade union grouping - the Trade Union Confederation of Azerbaijan - a number of independent unions. They include independent trade unions of oil industry

workers, workers in the mass media, entrepreneurs, and workers of the Academy of Sciences. They operate without any restrictions and are open to membership on a voluntary basis.

76. As of 1 July 1994 the Trade Union Confederation of Azerbaijan had a membership of over 2.7 million, of whom 2.5 million were employed directly in production. The membership of the unions not belonging to the Confederation was about 80,000.

77. A number of trade unions covering various branches and belonging to the Confederation have joined international trade union bodies. There were 10 such unions as of 1 November 1994. They comprised the trade unions of metal workers, machine-tool workers, workers in the power industry and the chemical industry, municipal workers and a number of others.

78. The trade unions play a very active part in preparing legislation. In 1992, 1993 and 1994 they signed general agreements with the Government on labour and socio-economic questions. For instance, the 1994 General Agreement between the Cabinet of the Azerbaijani Republic, the Trade Union Confederation of Azerbaijan and the Employers' Union on Labour and Socio-Economic Questions covered the following subjects:

(a) Improving the health of the economy, creation of conditions for increasing volumes of production, satisfaction of consumer demand;

(b) Regulation of the standard of living of the population, fulfilment of social commitments;

(c) Promoting employment, developing the labour market;

(d) Aspects of social insurance and improvements in public health;

(e) The legal regulation of labour relations and social partnership;

(f) Ways and means of implementing the Agreement.

79. The workforces discuss the collective agreements annually and clear-cut conditions are laid down governing the relationships between trade unions and employers. The conditions for giving effect to collective agreements are governed by the Code of Labour Legislation of the Azerbaijani Republic (chapt. II, sect. 7-15).

80. Azerbaijan has not yet adopted a law on the procedure for settling labour disputes. For that reason the provisions of the Act of the former USSR dated 9 October 1989 are still in force. Article 7 of that Act states "A strike is an extreme measure for settling a collective dispute. A decision to strike shall be adopted by secret ballot at a conference of the workforce and shall be considered as accepted if at least two thirds of the workers concerned have voted for it." Article 11 reads: "A stoppage of work as a means of settling a collective dispute (conflict) shall not be permitted if it constitutes a threat to the life and health of persons or if it involves enterprises and organizations of the railways, urban public transport (including the underground), civil aviation, communications, the power

industry, defence industries and continuously operating plants, a stoppage in which would have serious and dangerous consequences. Categories of persons who are not allowed to join trade unions are prohibited from taking part in strikes. Work stoppages are not permitted in organizations with the task of ensuring law and order and the security of the country."

Article 9

81. According to article 19 of the Constitution of the Azerbaijani Republic the main aim of State social policy is to create equal opportunities for all citizens by extending the State's social welfare systems, ensuring an improvement in the well-being of everyone and, on the whole, establishing a society based on social justice. In a number of social security measures a leading place is assigned to the provision of pensions, as is reflected in the Pension Act of the Azerbaijani Republic, which provides for the following pensions: work pensions (old-age pensions); disability pensions; pensions on the death of a breadwinner; pensions for length of service; social pensions.

82. Under the Pensions Act persons have a right to work pensions who are engaged in socially useful work; as a rule in the case of women at the age of 55, after 20 years' service and in the case of men at the age of 60, after at least 25 years' service. The Republic's pensions legislation grants privileges to pensioners who are employed in underground work, with severe and dangerous working conditions, to persons who took part in the clean-up operations after the disaster at the Chernobyl Atomic Power Station, to mothers of large families, etc.

83. The basis for calculating pensions is laid down in the legislation as the minimum wage established in the Azerbaijani Republic and the average earnings of the worker concerned. Moreover, an addition is made to the pension for any length of service in excess of the norm.

84. Pensions are paid out of part of the assets of the State Social Security Fund set aside for providing pensions. This Fund is made up of compulsory employers' contributions, insurance contributions by working citizens, budget allocations, etc.

85. All citizens not fit to work who have no legal entitlement to work pensions are entitled to social pensions. This applies to the disabled, men who have reached 65 years of age, women who have reached the age of 60, mothers who have reached 55 years of age and who have given birth to 3 or more children and reared them until the age of 8, or who have children disabled from childhood, children who have lost a breadwinner and non-working people who look after near relatives under 8 years of age. Social pensions are granted in multiples (%) of the minimum wage. The legislation envisages additions to social pensions also.

86. Disability pensions are granted in cases of disruption of health following disorders of the bodily functions leading to complete or partial loss of working capacity as a result of injury at work or occupational disease and damage to health connected with the carrying out of duties during service in the armed forces or alternative service or during service at the front. Disability pensions are also geared to the minimum wage in the

Azerbaijani Republic and the average monthly pay of the disabled person. The amount of the pension depends also on disability groups and the cause of the disability. Additions may also be made to a particular pension, for instance one granted to a non-working disabled person in Group 1 or Group 2 with family members unfit to work whom he or she has to maintain. In addition, an Order of the President of the Republic dated 26 August 1994 "Strengthening of the social protection of persons disabled in defending the Azerbaijani Republic against the Armenian aggression" grants monthly allowances to Group 1 disabled amounting to eight times the minimum wage, to Group 2 disabled at seven times the minimum wage and to Group 3 disabled at six times the minimum wage.

87. Pensions on the loss of a breadwinner are granted to members of the family of the deceased person who are not capable of working and also to some close relatives of the deceased who are not capable of working. The amounts of said pensions are based on percentages of the minimum wage laid down in the Azerbaijani Republic and the mean monthly wage of the breadwinner for each member of the family unfit for work.

88. The pensions legislation sets forth guaranteed minimum amounts for all the types of pension listed above.

89. Length-of-service pensions are granted to specialists in some occupations engaged in work that leads to complete or partial lack of working capacity before they reach the age giving them the right to old-age pensions and also to persons whose length of service has exceeded the norm by 10 years. The size of the pensions of this type is determined by the same procedure as that laid down for old-age pensions.

90. Over 1.3 million persons in the Republic receive pensions, 814,000 of them old-age pensions, 175,000 disability pensions and 159,000 pensions for loss of a breadwinner. In 1994 total pension payments in Azerbaijan amounted to 62,900 million manats. Altogether, pensions account for 36.3 per cent of social security payments. In the course of 1994 as a result of an increase in the minimum wage and publication of an Act on Amendments to Pensions Legislation, all pensions, allowances and compensation payments were increased fourfold. In 1994 the average amount of pensions increased by a multiple of 4.6. The average amount of work pensions rose from 1,894 manats to 8,755.9 manats.

91. Also in force in Azerbaijan is an Act granting pensions to members of the armed forces, guaranteeing protection for the social welfare of officers, warrant officers and personnel who sign on for a further term on completion of their conscript service.

92. In addition, provision is made in Azerbaijan for the payment of allowances and indemnities to persons in need of social protection: cash benefits for non-working pensioners to make up for the increased cost of certain products and services, allowances for poor families with children, allowances for persons who have suffered as a result of the armed aggression of Armenia against Azerbaijan or of the disaster at the Chernobyl Atomic Power Station and for the children of displaced persons, etc. Thus a Cabinet decision dated 5 May 1995 on strengthening the social protection of

disadvantaged strata of the population lays down a monthly pecuniary indemnity for pensioners on social welfare or not working and for daytime students in State higher and secondary educational establishments and vocational technical schools amounting to 8,500 manats and 6,000 manats for each child under 16 years of age in families whose monthly income does not exceed three times the minimum monthly wage.

93. In addition, a system of social insurance allowances has been established in the Republic. Benefits from the social insurance funds of the State Social Welfare Fund of the Azerbaijani Republic are paid in the amounts and under the procedure laid down in Cabinet Decree No. 9 dated 8 January 1993 confirming a decision on the procedure for payment of social insurance benefits. Under that decision social insurance benefits are payable for:

(a) Temporary unfitness for work;

(b) Pregnancy and childbirth;

(c) The birth of a child;

(d) Looking after a child;

(e) Funerals.

94. The benefit for temporary unfitness for work is paid in case of illness or injury leading to unfitness for work, sanatorium or health resort treatment, the illness of a member of the family who needs to be looked after, quarantine, temporary transfer to other work because of the contraction of tuberculosis, and the provision of prostheses for the beneficiary as an in-patient in an orthopaedic hospital. These benefits are paid out on the basis of a hospital certificate (sick note) on an official form. The benefit in case of injury at work or occupational disease is equivalent to 100 per cent of the beneficiary's wages. In other cases its amount usually depends on length of service - 100 per cent for eight or more years, 80 per cent for five to eight years, 60 per cent for less than five years.

95. Some categories of beneficiary are paid benefits for temporary unfitness for work at the rate of 100 per cent of wages regardless of length of service. This applies to the disabled, to persons with 3 or more children under 16 years of age in their care, to certain persons who have suffered as a result of the armed aggression of Armenia against Azerbaijan, to the wives of armed forces personnel or of volunteer defenders of the territorial integrity of Azerbaijan and to those who suffered as a result of the Chernobyl disaster. In 1994 about 3,600 million manats were paid out under these headings by the Social Welfare Fund.

96. The benefit to working women for pregnancy and childbirth is paid out in total for 126 calendar days. In the case of a complicated pregnancy or the birth of 2 or more children the benefit is paid for 140 days and in all cases at the rate of 100 per cent of wages and upon application without time-limit. In 1994 2,300 million manats were disbursed under this heading in the country as a whole.

97. A one-time benefit amounting to three times the minimum monthly wage current in the Republic on the day of birth is paid on the birth of a child. This benefit is payable for each child, including cases when two or more children are born at one birth. Last year 171,000 mothers received 634 million manats in one-time child benefits.

98. A benefit for looking after a child until it is three years old is paid to one working parent or to another member of the family directly looking after the child, for each child, according to the minimum wage established in the Republic as follows: twice the minimum wage until the child reaches the age of 18 months; once the minimum wage between the ages of 18 months and 3 years.

99. The funeral benefit is paid on the death of a worker or member of the family dependent on him or her for support (wife, children not yet having attained their majority, brothers, sisters, parents, grandfathers and grandmothers) to the amount of three times the minimum wage. Last year 51 million manats were disbursed under this heading.

100. Under the Labour Protection Act of the Azerbaijani Republic dated 16 December 1992 and Cabinet Decree No. 648 of 7 December 1992 provision was made for monthly and one-time allowances for injuries incurred at work.

101. Under the Employment in the Azerbaijani Republic Act unemployment benefit is paid to citizens of the Republic recognized as unemployed by the State Employment Service. The amount is calculated as a percentage of the average wages earned in a year in the last place of work, but is not lower than the minimum wage or higher than the average wage in the locality concerned. If the unemployed person has dependants unfit for work, the benefit is increased by 10 per cent for each such dependant, provided that the total does not exceed the unemployed person's average wage in his last place of work. Unemployment benefit is payable for 26 calendar weeks in a 12-month period. Between August 1993 and 1995 the State Employment Service recognized 36,900 persons as unemployed and paid out 125.4 million manats in unemployment benefits. In 5 months of 1995 3,000 people were recognized as unemployed and 116.6 million manats were paid out in unemployment benefit. The payments were made from the State Fund of the Azerbaijani Republic for the Promotion of Employment, made up of compulsory contributions from employers.

Article 10

102. The Azerbaijani Republic is a signatory to the International Covenant on Civil and Political Rights, under which it submitted its initial report for consideration by the United Nations Human Rights Committee in July 1994, and of the Convention on the Rights of the Child and the following ILO conventions, ratified on 19 May 1992:

No. 103: Maternity Protection Convention (Revised), 1952;

No. 138: Minimum Age Convention, 1973;

No. 10: Minimum Age (Agriculture) Convention, 1921;

No. 59: Minimum Age (Industry) Convention (Revised), 1937;

No. 60: Minimum Age (Non-Industrial) Employment Convention (Revised), 1937;

No. 123: Minimum Age (Underground Work) Convention, 1965.

103. The Matrimonial and Family Legislation Code of the Azerbaijani Republic (art. 1) defines the family as a marital union between a man and a woman, based on voluntary principles and mutual love and respect between its members.

104. All rights and obligations of citizens of the Azerbaijani Republic under the civil legislation may be fully implemented from the age of 18 years onwards. Marriageable age is 18 years for males, 17 years for females. In individual cases this age may be lowered but by not more than one year. The right of men and women to enter into matrimony with their full and free consent is guaranteed by registration of marriages only on the basis of the personal declarations of those wishing to marry at the State Civil Register Office.

105. A marriage may be dissolved only by the courts and the civil register authorities (in the absence of children or property). When a marriage is dissolved the interests of the children are protected by a maintenance order for their support and the interests of the spouses by guaranteeing them both the right to bring up the children.

106. Under the labour legislation children are entitled to work from the age of 16 years (in exceptional cases, 15) and schoolchildren may work in the holidays from the age of 14 years if they have the consent of their parents or guardians.

107. The Labour Legislation Code of the Azerbaijani Republic contains a chapter on women's work consisting of 18 articles (173-190) and laying down basic legal standards in respect of such work. The law mentioned contains the following guarantees for women:

(a) It is illegal to refuse to take on women or to reduce their pay for reasons connected with pregnancy or having children under three years of age;

(b) It is illegal to dismiss pregnant women or women with children under three years of age on the initiative of the management, except in cases in which an undertaking, establishment or organization is completely closed down, when dismissal is allowed but with compulsory work placement;

(c) It is illegal to employ in full-time work, overtime or work on rest days, or to send on mission, pregnant women or women with children under three years of age;

(d) Women with children under 14 years of age cannot be forced to work overtime or to go on missions without their consent;

(e) On the basis of a medical certificate pregnant women may have their statutory hours of work or service reduced or be transferred to lighter work excluding exposure to deleterious production factors, while keeping the average wages they received in their former work;

(f) Women with children under 18 months of age, if they are unable to carry out their former work, shall be transferred to other work but shall retain their former wage until the child reaches the age of 18 months;

(g) Women with children under 18 months old shall be granted, in addition to the general rest and meal breaks, further breaks for feeding the child. These breaks shall be at least every 3 hours and shall last at least 30 minutes each. Breaks for child-feeding shall be included in working time and shall be paid at the average wage;

(h) At the request of a pregnant woman or a woman with a child under 14 years of age, the management shall be obliged to grant her a shorter working day or shorter working week. Her labour in such cases shall be remunerated in proportion to the hours worked and the work turned out.

108. Under the Holidays Act of the Azerbaijani Republic which entered into force on 1 December 1994 women with 2 children under 14 years of age are granted an extra 3 calendar days' holiday and women with 3 children or more of that age or with a handicapped child under 16 years of age are granted 6 calendar days' extra holiday. On request women with children under 16 years of age or single parents, tutors and guardians may be granted unpaid leave of up to 14 calendar days. If working parents have a handicapped child under 16 years of age, one of them is granted an extra day's leave per month with 1 day's pay. In addition they have a right to obtain a certificate of temporary unfitness for work for the whole period of sanatorium treatment of a handicapped child under 16 years of age on presentation of a medical certificate confirming the child's need of individual care.

109. A working mother (or father) is granted an allowance for looking after a sick child under 14 years of age for the whole of the period for which the child needs care.

110. Women are granted 70 calendar days' pregnancy leave before childbirth and 56 days' leave after the birth (70 calendar days in the case of complications or the birth of two or more babies), on full pay. Since 1 December 1994 women engaged in agricultural production have been granted leave for pregnancy and childbirth at the following rates:

(a) If the birth is normal, 140 calendar days (70 before and 70 after childbirth);

(b) If the birth is difficult, 156 calendar days (70 before and 86 after childbirth);

(c) If they give birth to two or more children, 180 calendar days (70 before and 110 after childbirth).

111. One of the working parents, or another family member taking direct care of a child, has the right to partly paid leave to look after it until it reaches three years of age. A person looking after children during such leave is paid until each child reaches the age of 18 months an allowance amounting to twice the minimum wage established by the Republic's legislation and between then and the child reaching three years of age the equivalent of one minimum wage. On the basis of a finding by a Medical Advisory Panel, such people with a chronically sick child have the right to unpaid leave to look after it until it reaches 14 years of age.

112. Before pregnancy and childbirth leave or immediately after it (at her discretion) a woman is granted annual leave, regardless of her length of service with the given undertaking, establishment or organization.

113. Under conditions of the transition to a market economy in the Republic, measures are being adopted for organizing the social protection of the population. An important aspect of such measures is the provision of material assistance for families with children. This work is being carried out under a decree of the President of the Azerbaijani Republic issued on 27 December 1992 under the title "Social protection of families with children" and provides for the payment of one-time and monthly allowances to such families as follows:

(a) A one-time benefit equivalent to three times the minimum wage and payable on the birth of the child;

(b) A monthly allowance to non-working women not in receipt of a pension who have three or more children under 16 years of age, equivalent to 20 per cent of the minimum wage;

(c) A monthly benefit from the day of birth till the age of 16 years (18 years in the case of pupils not receiving grants) equivalent to 30 per cent of the minimum wage, payable if income per member of family does not exceed 1.5 times the minimum wage;

(d) A monthly allowance for the children of servicemen during their period of conscript service, equivalent to 50 per cent of the minimum wage and a monthly allowance for children of parents who fail to pay maintenance, amounting to 40 per cent of the minimum wage.

114. In addition, a number of statutory orders were issued in the period 1993 to 1995, under which monthly allowances are paid to the following categories:

(a) The children in the families of war victims, equivalent to one third of the minimum wage;

(b) The children of persons who suffered as a result of the Chernobyl Atomic Power Station disaster, equivalent to one minimum wage;

(c) The guardians of orphans and children deprived of parental care, equivalent to one minimum wage.

When the level of the minimum wage changes, the size of the allowances is increased accordingly.

115. The Pensions Act of the Azerbaijani Republic lays down preferential pension terms for mothers of large families and mothers of children handicapped from childhood. These persons are granted pensions under the following conditions:

(a) Mother-heroines receive a full pension regardless of age after a length of service of at least 10 years and at the age of 50 independently of length of service;

(b) Women who have given birth to three or more children and have reared them until the age of eight years are entitled to an age-based pension on the following terms:

(i) Women with nine children, on reaching 45 years of age and with a length of service of at least 10 years;

(ii) Women with eight children, on reaching 46 years of age and with a length of service of at least 11 years;

(iii) Women with seven children, on reaching 47 years of age and with a length of service of at least 12 years;

(iv) Women with six children, on reaching 48 years of age and with a length of service of at least 13 years;

(v) Women with five children, on reaching 49 years of age and with a length of service of at least 14 years;

(vi) Women with four children, on reaching 50 years of age and with a length of service of at least 15 years;

(vii) Women with three children, on reaching 51 years of age and with a length of service of at least 16 years.

Mothers of children handicapped from childhood who have reared them until eight years of age are entitled to a pension on reaching 50 years of age and with a length of service of at least 15 years.

116. Minors (persons who have not yet reached 18 years of age) are treated in their work relationships on a footing of equality as to rights with persons who have attained their majority and in respect of labour protection, working hours, holidays and certain other working conditions enjoy the privileges laid down in the Code of Labour Legislation.

Article 11

117. In recent years, as a result of the armed aggression of the Republic of Armenia against the Azerbaijani Republic and the rupture of economic links with the republics of the former USSR, the economic situation in Azerbaijan has sharply deteriorated and with it the living standards of the population.

118. The standard of living in the Republic is calculated on the basis of the minimum consumer budget per head of population, determined every month on the basis of the Act of the Azerbaijani Republic "The Minimum Consumer Budget" adopted on 14 October 1993. According to the latest data, in June 1994 the minimum consumer budget was costed at 244,315.1 manats per inhabitant of the Republic. However, 95.5 per cent of the population have an income per head lower than this amount. Moreover, the minimum wage of 5,500 manats established on 1 February 1995 represented only 4.2 per cent of the amount of the minimum consumer budget.

119. The category of the extremely poor in Azerbaijan includes over 1 million refugees and displaced persons forcibly evicted from Armenia and the occupied areas of Azerbaijan, and 240,000 disabled persons, aged citizens living alone and large families.

120. As a result of the high rates of inflation and the steep increase in prices for consumer goods and services, social tension in society is growing. This situation has considerably worsened the position of that part of the population of the Republic which is in need of special social protection, i.e. people on a fixed income, such as pensioners and students, and also those with relatively frozen salaries: State employees and workers in education, health, culture and research. Just how far living conditions have deteriorated can be judged from data on the ratio of the minimum wage to the minimum consumer budget. While in 1990 the ratio was 51.6 per cent, in 1991 41.8 per cent, in 1992 24.5 per cent and in 1993 11.1 per cent, by May 1995 it had fallen to a mere 2.1 per cent.

121. No statistics on the "poverty level" as such are kept in the Republic. Instead the minimum consumer budget is calculated and compared with income for all social groups. Meanwhile, there is a proposal to move away, at this stage of economic crisis, from the traditional calculation of the minimum consumer budget as a category defining the poverty limit, i.e. the level of wellbeing below which the quality of life cannot be considered by society as normal, and substitute for it a new category, calculated statistically, representing an indicator of human consumption of the most important material goods and services that ensure a low standard of living and the satisfaction of physiological norms of consumption of the main foodstuffs, goods and services. In other words this indicator should reflect more realistically the poverty level of the population.

122. The Ministry of the Economy in Azerbaijan, on the basis of the situation in March 1995 has calculated the minimum subsistence level per head per month, including in its calculations the consumption of 18 food items, material goods and services that will ensure the vital minimum level of consumption of foodstuffs, foods and services. The subsistence level in March was determined to be 125,352 manats, which thereby gave a poverty line of 125,000 manats. On

the basis of statistics breaking down the population by per capita nominal money income, 7.4 million people in Azerbaijan are below the poverty line. Of these 90 per cent have a fixed income of only half the vital minimum and, according to calculations for March 1995, they consume a total of 36 per cent of the domestic product.

123. No index of the physical quality of life in the Republic is at present calculated. However, it should be noted that life expectancy has reached 74 years for women and 65 years for men. The rate of population increase continues to be high. The birth rate is 24.2 per 1,000 inhabitants. The main causes of death are respiratory diseases, diseases of the digestive system and ischaemic heart disease. The heart disease is largely due to harmful traditional eating habits. Infectious diseases are as a rule controlled by the State. However, recent years have seen a deterioration in infant and maternal mortality largely due to the problem of refugees and displaced persons and to malnutrition.

124. The Government of the Republic fully recognizes the difficulties with which the processes going on in the country are interlinked and is taking steps to reduce the people's burdens and overcome the problems that have arisen. The levels of the minimum wage and of all social benefits and allowances are regularly reviewed. Thus, in view of the sharp deterioration in the situation of the population, a Presidential Decree of 1 February 1995 established a new minimum wage (5,500 manats) and pensions, allowances and grants were raised accordingly. In addition, in May 1995 pensioners and students were allocated compensatory payments of 8,000 manats and children under 16 years of age in families where income per head amounted to less than three minimum wages were granted 6,000 manats.

Right to adequate food

125. In the structure of the minimum consumer budget for age and sex groups of the population and calculated per inhabitant of the Azerbaijani Republic as of May 1995, food accounted for 187,414 manats, i.e. almost 70 per cent of said budget. For comparison, the percentage had been 49.3 per cent in December 1990, 52 per cent in December 1992 and 69 per cent in September 1994. Thus, as a result of the relentless rise in prices, the bulk of people's income is spent on food. Moreover, in a number of cases in some population groups the cost of the food basket even exceeds their income.

126. At present no statistics are kept on the scale of starvation or undernourishment in various geographical regions or among different social groups in the Republic. In time, when a new concept of statistics has been developed, these matters will be reflected to one degree or another.

127. Azerbaijan has all the necessary natural and climatic conditions to provide adequate food supplies. However, the structure of the agrarian sector that has taken shape over the years, the one-sided development of monocultures, the low level of technical equipment, the absence of modern technology, the occupation of a considerable portion of the national territory by the armed forces of Armenia and the fall in agricultural production have led to substantial shortfalls in supplying the population with basic foodstuffs. In 1994 as compared with 1985 the production of meat had fallen

by 45 per cent, of eggs by 38.3 per cent, of vegetables by 44 per cent, of potatoes by 31 per cent and of fruit by 20 per cent. The production of other types of agricultural produce had also fallen. In 1994, whereas grain requirements were 2.8 million tons, only 1 million tons were produced.

128. As a result of the serious pollution of the Caspian Sea and a deterioration in spawning conditions and also owing to poaching, there was a considerable decrease in the numbers of valuable marketable fish and a sharp fall in the fish catch and the production of caviar. Thus by 1994 as compared with 1990 the production of fishery products had fallen from 27.9 to 7.0 thousand tons, or almost fourfold.

129. As a result of all this, the level of consumption of the main foodstuffs has been falling year by year and by 1994 as compared with 1985 per capita consumption of meat had fallen by 21 kg, of milk and dairy products by 150 kg, of eggs by 77 eggs, of fish by 3.7 kg, of sugar by 30.6 kg and so on.

130. If actual consumption is compared with rational norms of food intake the picture is still more depressing. The consumption of meat and meat products in 1994 represented 22.7 per cent of the rational intake norm, of milk and dairy products 44.0 per cent, of eggs 37.1 per cent, of fish and fish products 9.8 per cent, of vegetable oil 33.3 per cent, of sugar 19.4 per cent, of vegetables 46.3 per cent, of fruit 49 per cent and of potatoes 40.4 per cent.

131. There was also a considerable worsening in the structure of food consumption, i.e. the degree to which protein, fat and carbohydrate requirements were met. According to calculations by the State Committee for Statistics the number of calories per head per 24 hours was 2,247.2 kilocalories or 565 kilocalories less than standard requirements and 238 kilocalories less than the calculated number supplied by the minimum food basket. Total calorie intake is meanwhile mainly supplied by bread and bread products, which contain a large amount of carbohydrates and consumption of which amounted to 140 kg a head in 1994. Consumption of protein represents about 70 per cent of the rational norm and of fats less than 50 per cent.

132. Increased problems are occurring in child nutrition. Although about half the babies born are fed artificially, there is a shortage of substitutes for mother's milk.

133. Every quarter the mass media publish information on the "consumer basket", comprising a set of foodstuffs necessary to human life calculated on the basis of physiological consumption standards. It is not possible to determine the social groups which lack knowledge of the principles of nutrition.

134. To try to solve the food problem and improve the population's food supply a number of statutory measures have been adopted in the last few years (Acts of Parliament, Presidential Decrees, Cabinet Decisions) but by reason of the continuing fall in production and the galloping rates of inflation they have not had the desired results and the standard of living of the population continues to worsen.

135. With a view to establishing conditions for developing the agrarian sector and making efficient use of land resources, laws have been passed for carrying out economic reforms in the agroindustrial complex that make provision for establishing various forms of management of the economy, privatization, and the development of entrepreneurship, such as the Act on the Development of Peasant Holdings (Farms) and the Land Code. A bill on land reform has been drafted and submitted to Parliament for consideration. To help solve all the problems connected with carrying out agrarian reform a State Commission has been set up together with a Commission attached to the municipalities. A corresponding State programme has been adopted. At the present time statutory instruments are being drafted and preparatory work is being conducted in the localities with a view to implementing economic reforms in the agrarian sector.

136. To ensure that the population of the Republic is provided with the main types of foodstuffs to meet its daily requirements, balances are struck annually between the formation and utilization of these resources from all sources. These balances take into account the minimum requirements of particular categories of consumer and the population as a whole. Meeting the population's requirements for the main foodstuffs is considered in regard to three sources: home production, imports from nearby States and imports from countries further afield.

137. The structure of agrarian production as it has taken shape over the years and the economic crisis in the Republic make it impossible to supply the consumer market fully with food from local sources. Thus in 1994 domestic production covered 21.8 per cent of consumer demand for meat and meat products, 5.6 per cent of the demand for animal fats, 37.4 per cent of the demand for potatoes and 51.7 per cent of the demand for pasta. All the sugar and dried milk and almost two-thirds of the grain consumed are imported from other States. In 1994 imports of meat and meat products totalled 20,000 tonnes, of animal fats 20,000 tonnes, of sugar 80,000 tonnes, of rice 8,000 tonnes and of potatoes 50,000 tonnes. Nine million eggs were imported.

138. Measures are now being taken to improve the structure of the agrarian sector, increase grain production, strengthen the livestock fodder base and establish sugar-beet cultivation. In view of the limited foreign currency available and the scarcity of resources, considerable difficulty is experienced in ensuring a regular supply of foodstuffs for the population. It is intended to import some of the foodstuffs in short supply from countries of the Commonwealth of Independent States under intergovernmental agreements that have been signed. About 300 million US dollars are required for the purchase from other countries of other foodstuffs of which the supply is inadequate for meeting the minimum needs of the population. Foodstuffs are imported both by State bodies and by commercial undertakings. There are in the Azerbaijani Republic four main channels for food distribution, controlled by the Ministry of Agriculture (fruit and vegetables, except for their storage, transport and retailing), the Ministry of Trade (groceries and fine foods, processed foods, livestock products), the Azerbaijan Central Union of Consumer Cooperatives (trade outside the 16 large cities) and the private sector (retail peasant markets with produce grown on private holdings). The local authorities monitor the provision of food supplies.

The right to adequate housing

139. The housing stock of the Azerbaijani Republic as of 1 January 1995 amounted to 91.5 million m^2 of total dwelling space, comprising 28.9 million m^2 provided from State capital investments and the resources of building cooperatives and 62.6 million m^2 built by people with their own resources. The urban housing stock amounted to 55.2 million m^2, 27.8 million m^2 of it resulting from State capital investment and the resources of building cooperatives and 27.4 million m^2 from the population's own means. The rural housing stock amounted to 36.3 million m^2, of which 1.1 million m^2 was built with the help of State capital investments and building cooperative funds and 35.2 million m^2 with the public's own means. Altogether the Republic's housing stock had increased by 3.5 per cent since 1993. On average, today there are 12.3 m^2 of living space per inhabitant, the same figure as last year. The average amount of living space per head in the towns is 14.0 m^2 as against 10.4 m^2 in the countryside. 2.17 million people, or roughly 29 per cent of the total population, live in State, public or building cooperative housing, whereas 5.59 million people live in individual dwellings.

140. At the beginning of 1995 147,300 families and single people were on housing lists in the hope of improving their housing conditions, as against 138,300 at the beginning of 1991. Every eighth family on the housing lists was living in a hostel, 3.4 per cent were living in communal flats and 2.6 per cent in ramshackle unsafe dwellings awaiting demolition. One family in 13, or 11,400 families in all, had been on the housing lists for over 10 years. As a result of the occupation of a considerable part of the national territory and the influx of a huge number of refugees and displaced persons the housing problem in Azerbaijan has become still more acute.

141. The increase in housing area per inhabitant of Azerbaijan in 1994 was only 0.1 m^2. A total of 6,400 families and single persons, or 4.3 per cent of those on the housing lists, improved their housing conditions. In 1990 the corresponding figures were 18,600 and 17.4 per cent. Of the total housing area distributed among those needing accommodation last year, 9.9 per cent or 23,000 m^2 was allocated to 63 refugee families.

142. During the last few years there has been a falling off of all housing indicators. The rates of growth in the housing stock and the increase in housing space per inhabitant have slowed down, the number of people who have improved their housing conditions has decreased, the number living in unfavourable cramped conditions and in shacks, where there are 12.5 m^2 per family member, and in tumbledown unsafe houses, in gas- and oil-polluted areas, has risen. Calculations show that if the Republic is to achieve 16 m^2 of housing space per inhabitant, over 50 million m^2 will have to be built. At the present rate of increase in the housing stock this will take over 20 years.

143. An unfavourable situation has arisen in regard to the provision of basic amenities in apartment blocks and houses. At present in urban types of settlement and 88.5 per cent of villages there is no piped water supply and the inhabitants use open bodies of water. The position is even worse with regard to centralized sewage disposal. Half the towns and two thirds of urban

settlements have no sewerage system. Such an amenity is practically unknown in the villages. Today 37 urban-type settlements and 827 villages have no gas laid on and their inhabitants use various types of fuel for heating and cooking. Seventy-two per cent of State, public and cooperative housing has central heating, 22.5 per cent has hot water on tap, 73.5 per cent has baths and 1 per cent electric heating.

144. Solution of the housing problem presupposes above all a dynamic development of housing construction, an increase in comfort, and improvement of layout and technical equipment of apartments. However, the settling of this key problem in Azerbaijan lags behind the projects outlined and the requirements of the population. The intensification of inflationary processes had led to a sharp rise in the cost of building supplies, labour and services and an increase in expenses for housing and the provision of services. Capital investment by the State (including enterprises and organizations) has become clearly inadequate for carrying out the housing development programme and this has led to a decrease in the volume of construction of housing and social projects. Thus, the State budget deficit, the imbalance in the real sources of investments, the weak material and technical base and other factors led to a failure to achieve in 1993 the planned level of new housing space of 2 million m^2, which was considerably below the figures for the previous five years.

145. To put an end to the serious problems in housing construction urgent financial and technical assistance is required in the following directions:

(a) Very rapid solution of the problems of settling the refugees, as a factor in ensuring stability and continuing the political and economic transformations;

(b) Strengthening and development of the material and technical basis for housing and social construction;

(c) Construction on the basis of local raw material resources, using the latest techniques, of mini-factories for the production of cement and other materials, brickworks, enterprises for the manufacture of sanitary ware and joinery products from polymers and compact house-building plants for turning out cottage-type dwellings;

(d) Material and technical measures to produce a number of items (timber, rolled steel, cement) at present almost entirely imported from abroad;

(e) A radical reform of housing policy, formation of a housing market, and privatization of the housing stock while retaining State provision of housing for socially disadvantaged population groups on low incomes.

146. Azerbaijan has established a certain legislative basis for ensuring implementation of the right to housing. The main law governing the carrying out of the housing construction programme is the Housing Code of the Azerbaijani Republic, which covers the tasks of regulating housing relationships with a view to assuring the constitutional rights of citizens to housing and to the use and preservation of the housing stock and strengthening

the rule of law in the sphere of housing relationships and the position in regard to municipal housing. The Land Code of the Azerbaijani Republic deals with aspects of land use, land distribution, land grants, zoning and land tenure. Regulations on expropriation and compensation and land-use planning, including procedures for public participation, are included in the draft Agricultural Reform Bill. The Leasing Act covers some rights of tenants (householders) to guaranteed possession of the property (housing), to the protection of the property (against eviction), to the financing of the property (housing construction) and supervision of the property (dwelling). Building regulations and standards are governed by the Contract Work Agreement and a Cabinet Decree on Contract Work and Subcontracting. The Environment Act contains in a general form provisions on planning environmental protection and health in housing construction and centres of population.

147. In 1993 an Act on Privatization of the Housing Stock in Azerbaijan was adopted. It lays down conditions and procedures for privatizing State and public housing. Since the Act came into force 44,000 flats with a total floor space of 2,073,000 m^2 have been privatized, including 1,230,000 m^2 of floor space handed over to the population free of charge. In all since 1990 114,000 State-owned flats, or one in eight, have been privatized.

148. The main difficulty in implementing the rights set forth in article 11 of the Covenant is the profound crisis that has engulfed all the key branches of the economy and social affairs in Azerbaijan during the last few years. The main cause of this situation has been the war imposed on Azerbaijan by Armenia, a war that has had ruinous effects on the country, together with the resettlement of over 1 million refugees and displaced persons and the need to divert huge material and financial resources to strengthening the Republic's capacity for defence. In addition, substantial problems also arose from the rupture of the closely integrated ties between the Republics of the former USSR. For all these reasons, the general indicators of the working of many branches of the economy had deteriorated considerably. According to the figures for 1994 the national income generated had fallen by 20.4 per cent, industrial production by 25 per cent and agricultural production by 13 per cent. The sharp decline in the volume of production and the high rates of inflation are eroding the welfare of the population. In the past year prices of the main consumer goods have risen tenfold to thirtyfold, as a result of which in 1994 the purchasing power and in general the standard of living of the bulk of the population had fallen almost sevenfold compared with 1988.

149. The Government of Azerbaijan has drawn up a programme of economic reforms to pull the country out of the crisis. It is proposed to stabilize the economy by carrying out a rigorous credit, monetary, budgetary and taxation policy, restructuring enterprises by means of share issues and privatization, increasing the effectiveness of foreign trade activities and creating a social welfare system for the interim period. Since 1995 the State procurement system has been abolished and enterprises can dispose freely of what they produce.

150. A suitable legislative basis is being established to ensure the necessary conditions for carrying out the economic reforms. Parliament has already adopted a legislative package to provide the foundations for the

transition from a command to a market economy. At the beginning of 1993 a special act was adopted under which all the property of the Republic, except that included in a special list, is subject to privatization. The act can serve as a basis for an extensive programme of reforms. Another act adopted by the legislature regulates privatization of the housing stock. The question of privatizing the land will be dealt with in a new law on landed property relationships at present being drafted.

151. A serious obstacle to implementation of the rights set forth in article 11 is the severe exacerbation in recent years of the environmental situation, which has an extremely detrimental effect on the health of the people. Today the country is faced with such serious environmental problems as the pollution and rising level of the Caspian Sea, soil contamination and erosion, poor air quality in the industrial centres, etc. Immense damage to the economy in Azerbaijan is being done by the rise in the level of the Caspian Sea, which began in 1977 and is at the rate of 25 to 30 cm per year. The shores of the Republic over a length of almost 850 km have been subjected to the destructive force of the sea, communications, motor roads and houses along the coast have been washed away and large areas of land suitable for agriculture have been destroyed. According to expert estimates the sea level will continue to rise until the year 2005.

152. The Government is taking a series of measures designed to redress the environmental situation that has arisen. Parliament has adopted an Act on Environmental Protection and the Utilization of Natural Resources. It provides for the levying of fines for polluting the environment. However, the capital investments needed for solving environmental problems are extremely great. The Republic's resources are too limited to enable it independently to carry out many important environmental programmes. To solve this problem Azerbaijan has acute need of assistance from international organizations and foreign investors.

153. For the next few years Azerbaijan will pass through a difficult period inasmuch as the transition to a market economy will take a certain time. The Government's task in carrying out economic reforms and implementing the rights to adequate nutrition and satisfactory housing will be made considerably easier if it is given the necessary financial and technical assistance. During the period in which Azerbaijan has been receiving international assistance, most of it has been expended on the purchase of foodstuffs. With the help of loans from an international bank it is proposed to draft technical specifications and then to construct a water-supply system in Baku and to equip and build a number of production plants to create employment in places of compact settlement of refugees and displaced persons. If the rights enunciated in article 11 are to be fully implemented, international aid will be needed for construction of food industry factories (a factory for manufacturing infant foods, a food concentrates combine, etc.) and building-material plants (a cement factory, a factory for producing sanitary ware, etc.) and for technical assistance in the field of power production, gas supply, heating and agriculture. The country needs technical aid for considerably increasing the processing of national agricultural raw materials and particularly for extending the network of small processing enterprises based on modern techniques and equipment and thereby solving the problem of making efficient use of human resources. Azerbaijan has acute need of

humanitarian and other gratuitous assistance from private persons and governmental organizations for solving problems connected with the resettlement of refugees and displaced persons and the provision for them of housing, food, medicaments and basic necessities. A huge amount of work will need to be done to restore ruined towns and villages. The extremely limited nature of its means and resources makes it impossible for the Republic to cope with these problems on its own, without help from the international community.

Article 12

154. The Constitution of the Azerbaijani Republic guarantees its nationals the right to protection of their health. This right is ensured by qualified medical care free of charge, provided by State health establishments; by the extension of a network of establishments for treating citizens and strengthening their health; by the development and improvement of safety measures and work hygiene; by the carrying out of large-scale prophylactic measures; by steps to provide a healthier environment; by special attention to the health of the rising generation, including the prohibition of child labour unconnected with training and apprenticeship; and by the development of scientific research designed to prevent or reduce morbidity and to ensure a long and active life for the citizens.

155. The infant mortality rate (up to one year of age) in 1994 was 25.2 per 1,000 there were 4,180 deaths, 1,863 of them girls and 2,317 boys. The main causes of infant mortality are respiratory disease, infectious disease and parasitic ailments.

156. In Azerbaijan 20 urban settlements still have no piped water supply. The population of 89 per cent of villages use water from open bodies of water. The quality of the drinking water supplied to the population often fails to meet hygienic standards. Roughly half the towns and over a third of urban-type settlements lack sewage disposal systems while hardly any villages possess that amenity.

157. In 1994 690,776 children were vaccinated against diphtheria, whooping cough and tetanus (with an associated vaccine), 159,000 against measles and 135,000 against tuberculosis.

158. Mean life expectancy in 1994 was 70 years, 65 years for men and 74 years for women.

159. In every administrative region in Azerbaijan, central regional hospitals are in operation that contain departments and units covering the main specialities. These hospitals, usually situated within an hour's journey from the regional capital, provide the population with both outpatient and inpatient medical care In addition, district hospitals and medical advisory clinics operate in the rural areas, providing general medical, paediatric, obstetrical, surgical and stomatological services.

160. Practically all pregnant women and parturients can call upon the services of qualified staff during pregnancy and childbirth. In all cities and regional capitals there are women's clinics providing services for the pregnant while medical advisory clinics and feldscher-midwife posts are

available in rural localities. All pregnant women have an opportunity of obtaining skilled care in maternity homes and city and regional hospitals, or in the countryside in district hospitals, which have maternity beds. In pathological pregnancies women can be sent urgently by air ambulance to large multispeciality establishments in the city of Baku. However, the material supply and technical equipment of the network of maternity homes and women's advisory clinics established in Azerbaijan could be bettered; many of them are in need of capital and current repair. The shortage of beds for pregnant women is estimated at 2,600. There are 51 children's hospital beds per 1,000 children under 15 years of age. The shortage of paediatricians is acute; there are only 17 per 10,000 children. The ratio of gynaecologist-obstetricians is low: 4 per 10,000 women. In 1994 there were 159,922 births in the Republic. Seventy women died in childbirth, 0.044 per cent in relation to the total number of births. Three of the women died before giving birth.

161. All children, whether in town or country, enjoy the services of qualified medical personnel when they are under treatment. These services are available in children's polyclinics, diagnosis and follow-up centres, sanatoria and scientific research institutes. In 1994 medical care was given to 681,366 children and 289,217 children were taken on to the books of diagnostic treatment and follow-up centres ("dispensary").

162. As a result of the aggression of the Republic of Armenia against Azerbaijan over 1 million people were forced to hurriedly leave their homes and the bulk of them today live in tented camps. The mass expulsion of people from their permanent abodes paralyzed the whole social infrastructure. A considerable number of curative, sanitation, cultural, preventive and teaching establishments are inactive or are used for other purposes. The medical services provided for refugees and displaced persons differ greatly in complexity from what is available for the majority of the population. Nevertheless, in all centres of population, including the tented camps where refugees and displaced persons are gathered, medical posts have been set up equipped with medical equipment and medicaments to enable a minimum level of care to be offered. All refugees and displaced persons are given a prophylactic medical examination by specially established medical teams. The main problems encountered in organizing medical services for this vulnerable category are a shortage of medicaments and vaccines and migration among the people concerned, increasing the risk of the spread of infectious diseases.

163. In 1991 to 1993 in 30 per cent of the industrial undertakings of the Republic the air in the workplace failed to meet the requirements laid down in health standards and regulations and hygienic directives. In metallurgical plants the percentage was about 36 per cent, in the petrochemical industry 50 per cent, in the oil industry 27 per cent, in mechanical engineering 48 per cent and in the building-materials industry 44 per cent. Unsatisfactory working conditions lead to a high percentage of occupational diseases and disabilities resulting from them. In 1991 occupational diseases were recorded in 20 enterprises and establishments (94 cases), mostly in the metallurgical industry (30) and petrochemical plants (34). In 1992

occupational diseases were recorded in 23 enterprises and establishments (81 cases), mostly in the metallurgical industry (28) and petrochemical plants (14). In 1993 111 cases of occupational disease were recorded in 18 enterprises and in 1994 105 cases.

164. The problem of environmental safety is very topical in Azerbaijan. It suffices to mention that out of over 296 plants discharging harmful substances into the atmosphere, over a third have no health-protection zone, as a result of which over 44 per cent of the pollutants emitted from fixed sources are not filtered but are discharged into the ambient air. The content of certain polluting substances in the atmosphere is several times as high as the maximum permissible concentrations. Most industrial undertakings, mainly in the oil, petrochemical, chemical and metallurgical industries, do not possess effective cleansing installations and as a result the Caspian Sea is subjected to serious pollution. The poor environmental situation in the cities of Baku, Sumgait and Gyanzha has an unfavourable effect on the functional health of children and contributes to the development of diseases of the respiratory tract and the skin, chronic bronchitis and congenital anomalies.

165. The Acts adopted by the Azerbaijani Parliament on the "Protection of Nature and the Use of Natural Resources", "Sanitational and Epidemiological Well-being" and the "Protection of Labour" have provided a basis for preventing the harmful effects on human health of factors in the human environment. These measures have their raison d'être mainly in unfavourable health, epidemiological and environmental situations. After the break-up of the USSR the majority of industrial enterprises were in an extremely unsatisfactory sanitary and technical position, in view of the wearing-out of their equipment, the lack of ventilation installations and the financial obstacles to the introduction of advanced technology.

Articles 13 and 14

166. According to the Education Act of the Azerbaijani Republic, adopted by Parliament on 7 October 1992, "education is a sphere of activity forming the basis for the development of society and the State; it is of strategic importance and its development must be given priority. The educational system of the Azerbaijani Republic is built on national foundations and universal human values and is democratic in character. The right to education is one of the fundamental rights of citizens".

167. Article 3 of the Act consolidates the right of citizens to education regardless of their race, nationality, religious persuasion, language, sex, age, state of health, social and material status, sphere of activity, social origins, domicile, attitude to religion, political convictions and convictions by the courts. Citizens have the right to free education in State educational establishments. In addition paying student groups may also be formed in those establishments. Citizens are free to choose their form of education, educational establishment and language of instruction. With a view to ensuring the right to education of citizens needing social protection and support, the State assumes partial or complete responsibility for their expenses during their educational career. Poorly off pupils in fee-paying educational establishments are paid allowances by the State on the basis of the standard fees payable in State teaching establishments of the same kind

and type. The State will establish all the necessary conditions to enable particularly gifted children needing social support to study either in Azerbaijan or abroad. The State may grant university students loans to be paid back in full during the five years following completion of their education.

168. Instruction in secondary, technical and higher teaching establishments in Azerbaijan may be conducted in Azeri or Russian at the free choice of the pupil or student.

169. Article 9 of the Education Act defines the main task of the educational system as the development of individuals with profound and varied knowledge, skills, practical training, great culture, a feeling of responsibility, a progressive world outlook, and a spirit of humanism and respect for human rights and liberties.

170. With a view to fully implementing in Azerbaijan the right of every person to education, the Act provides for eight years' obligatory and free basic education for all citizens of the Republic. With this end in view the Government has established all the necessary conditions (school buildings, teaching staff, teaching aids, the writing and publication of textbooks, etc.) for teaching and bringing up the pupils. All citizens of the Republic have the right to free secondary education, including vocational and technical training, access being dependent on an interview panel or a competitive examination. For those citizens who for some reason or another have been unable to receive an elementary education evening classes or group learning are available or also an opportunity to complete an elementary education as a home student. At the present time there are no people in Azerbaijan who have not had an elementary education except mentally retarded or handicapped persons.

171. The system of school education in Azerbaijan covers an 11 year period of schooling, subdivided into primary education (classes I to III), basic education (classes IV to VIII) and secondary education (classes IX to XI). At the end of the 11 years of schooling the pupil receives a school-leaving certificate and the right to enrol in an establishment of higher education. A secondary school pupil has the right after nine years' schooling to finish with his school education and enter a special secondary educational establishment. The school system also includes special elementary boarding schools for children who do not have the necessary conditions for being brought up and educated in the family, special schools, classes and groups, and teaching at home for physically underdeveloped and mentally retarded children.

172. Evening classes or groups operate in elementary schools to attract young working people into general education.

173. All general education schools are provided by the State and there is no centre of population in the Republic that does not have such a school.

174. Access to higher education is open to all citizens who have undergone a complete secondary education. Teaching in State establishments of higher education is free of charge, but the establishment may also set up in addition

fee-paying learning groups. Under the Education Act private higher educational establishments have begun to operate in the Republic. Fees are levied at rates depending on the specific features of the establishment concerned. At the moment 23 State and 20 non-State higher educational establishments are operating in the Republic as well as 78 State and 8 non-State special secondary teaching establishments.

175. The following State-guaranteed measures of social protection and privileges have been laid down for teaching staff:

(a) A worker in a teaching and training establishment is allocated a wage (an official salary) for carrying out his official duties and the tasks set forth in his contract; the minimum wage and official salary of workers in teaching and training establishments are set at a higher level than the average wage in the Azerbaijani Republic;

(b) Normal working and living conditions, leisure, medical care, improvement of qualifications at least once every five years and, where conditions make it necessary, requalification are ensured;

(c) A legal guarantee of social welfare and special professional activity is given;

(d) Teaching staff under the procedure laid down in the legislation of the Azerbaijani Republic have a right to a six-hour working day, a shortened working week and lengthy paid leave;

(e) The standard work rate in general educational and vocational technical teaching establishments is set at 12 hours a week. The weekly teaching load as a rule cannot exceed 12 hours a week, equivalent to 1.5 times the official wage rate. The total teaching load of professors and lecturers in other types of teaching establishments may not exceed 450 to 500 hours. In exceptional cases permission is granted to take classes amounting to 1.5 times the official work rate;

(f) Teaching staff have the right to priority allocation of living space and to services out of turn. Creative teaching staff after every 10 consecutive years of teaching may be given an extra paid sabbatical leave for up to one year under a procedure and in accordance with conditions laid down in the statutes of the teaching establishment;

(g) Families containing a member of teaching staff are exonerated from payment for electricity and municipal services;

(h) In view of the specific features of teaching activities, certain categories of educational worker are paid hardship allowances amounting to not less than 15 to 25 per cent of their wages (official salaries);

(i) For loss of post during structural changes carried out under the terms of legislation, compensation is paid to the extent of the last salary;

(j) On cessation of teaching through illness or necessary temporary transfer to other work a one-time allowance in the amount of one salary is paid;

(k) Teaching staff have the right to free use of urban and suburban transport (except taxis).

176. The average monthly salary of teachers in general educational and secondary special vocational technical teaching establishments in 1991 was 313 roubles (31.3 manats), in 1992, 2791 roubles (279 manats) and in 1993, 2,332 manats. This salary exceeds the average monthly emoluments of State employees in the health services or culture by 60 per cent. From 15 October 1994 the salary rate of teachers in general education and secondary special teaching establishments in the Republic amounted to 25,265 manats. The average monthly stipend of teachers in establishments of higher education amounted in 1991 to 425 roubles (42.5 manats), in 1992, 7,987 roubles (798.7 manats) and in 1993 to 3,423 manats, exceeding by 180 per cent on the average the average monthly salaries of State employees in the health sector. From 15 October 1994 the salary of teaching staff in establishments of higher education has amounted to about 50,000 manats.

177. In 1993 expenditure on education made up 13.85 per cent of the State budget.

178. The State is making extensive efforts to persuade State bodies and non-governmental organizations in foreign countries to participate in the process of training abroad pupils and students from Azerbaijan. In particular, on the basis of intergovernmental treaties and agreements between institutions, pupils and students from Azerbaijan are receiving training free of charge in Turkey, the United States of America, Kuwait, Egypt, Jordan, the Sudan, the Islamic Republic of Iran, Poland, Germany, Israel and China.

Article 15

179. The Constitution of the Azerbaijani Republic, in accordance with the standards of international law, enshrines the right of every citizen to take part in cultural life, to give expression to his own culture and to enjoy the achievements of culture. Article 45 of the Constitution stipulates that the right shall be given effect by means of universal access to the treasures of national and world culture in State and public collections, the development and even distribution throughout the territory of the Republic of cultural and educational institutions, the development of television and radio broadcasting, book-publishing and periodicals together with a network of free libraries, and the extension of cultural exchanges with foreign States.

180. Having recently set out on the path of independent development and achieved the preservation of its territorial integrity, the Azerbaijani Republic has been forced to direct all its efforts to repelling armed aggression by the Republic of Armenia and the recovery of the occupied territories. Despite the considerable difficulties experienced by Azerbaijan under the conditions of a war waged against it by this neighbouring State, the Government is taking measures to preserve and increase the cultural treasures of Azerbaijan and the cultural heritage of humanity and to aid in the

expression of their original cultural features all the minorities inhabiting the country and to protect the freedom of cultural activity, including freedom to publicize the results of such activity.

181. A draft bill on culture prepared by the Ministry of Culture of the Azerbaijani Republic sets forth the main provisions of the covenants, conventions and other instruments adopted by the international community.

182. Cultural establishments in Azerbaijan are represented by a network of State, departmental, trade-union and nascent private and commercial institutions. Meanwhile, most of the institutions belong to the State network. The Ministry of Culture has the task of implementing State cultural policy, preserving and developing the cultural heritage and the interrelationships of culture with various institutes and the public. At the present time the system administered by the Ministry of Culture of the Azerbaijani Republic comprises 25 theatres, 14 concert organizations, 3,842 clubs or houses of culture, 4,872 libraries, 114 museums, 29 art galleries, 70 culture and leisure parks and 200 music and art schools. All these institutions and their collections, equipment, implements and musical instruments are the property of the State and serve the public. The funds for maintaining the extensive network of cultural establishments are allocated from the State budget. However, as a result of the extremely difficult economic situation in the Republic, the amount of these allocations during the last few years has sharply declined and barely covers 70 per cent of the wages and salaries bill. While there is a certain drain of creative intelligentsia from Azerbaijan, this is due only to the low emoluments paid, not to any infringement of the freedom of artistic expression.

183. Azerbaijan is a multiethnic country and the Government takes the necessary measures to establish conditions for the undeviating implementation of the rights and freedoms of the individual and the equality of rights of all citizens, irrespective of nationality, race and religion, and to ensure that representatives of ethnic minorities are drawn into active participation, on the basis of equality of rights, in all spheres of vital activity in the Republic, including cultural life.

184. Over many centuries the representatives of various ethnic minorities have lived in Azerbaijan in peace and harmony with the Azerbaijanis. This multicultural ethnic patchwork that has been preserved in Azerbaijan even today is due in the first place to the fact that the Azerbaijani people have historically not been guided in its public, political, economic and cultural interrelationships with other peoples by the nationality or religion to which they belong and has not based its ties with them on the size of the population of a particular people but has considered lofty universal human values as of paramount importance. In the second place chauvinism and aggressive nationalism have historically been foreign to the mentality of the Azerbaijani people. More than that, respect for the religious convictions and spiritual values of other peoples has sometimes been displayed at the expense of restrictions on its own spiritual traditions.

185. Despite the armed aggression of Armenia against Azerbaijan, the grave socio-economic situation and the presence of over 1 million refugees and displaced persons, among whom in addition to Azerbaijanis there are Kurds, Russians, etc., driven from their ancestral lands by the Armenian occupiers,

the Azerbaijani State stands guarantee for the protection of the rights of every citizen of the Azerbaijani Republic, irrespective of ethnic group, race, sex, language, religion or other differentiating feature.

186. Article 19 of the Constitutional Act "The State Independence of the Azerbaijani Republic" reads: "All citizens of the Azerbaijani Republic shall be equal before the law. The Azerbaijani Republic, acceding to the Universal Declaration of Human Rights, the Final Act of the Helsinki Conference and other universally recognized instruments of international law, shall ensure the observance and unfettered implementation of all the rights and freedoms set forth therein, irrespective of sex, race, nationality, religious beliefs, social origin, political convictions and other circumstances." All the legislative instruments in force in Azerbaijan concerning education, science, culture, language, health, political parties, public associations, labour, etc. conduce to the implementation of human rights without discrimination of any kind.

187. A Decree of the President of the Azerbaijani Republic dated 16 September 1992 and titled "Protection of the rights and liberties and State support for the development of the languages and culture of national minorities, numerically small peoples and ethnic groups residing in the Azerbaijani Republic" gives concrete instructions to the Presidential Office, the Cabinet, ministries and branches of the administration and local executive authorities with a view to implementing State assistance and government policy in the following directions:

(a) Preservation and development of the special cultural, linguistic and religious characteristics of ethnic minorities;

(b) Free exercise of national traditions and customs and religious rites and ceremonies; conservation and utilization of holy places;

(c) Free development of national crafts, professional and amateur creative activities and national traditional pursuits;

(d) Preservation of the historical and cultural monuments of all nationalities;

(e) Protection and conservation of places of significance for the population, nature reserves, parks and other natural sites.

188. The last few years in Azerbaijan have seen the opening of cultural centres, charitable associations and other public organizations of all the ethnic minorities living in the Republic. These bodies are given all possible material and financial assistance by the State from the budget and the President's Fund, consisting in particular of the allocation of areas of land and exoneration from taxes.

189. The ethnic minorities are represented in Parliament, the supreme legislative body, and in all State structures. In cities and regions, settlements and villages where there are compact groups of ethnic minorities leading posts in the State apparatus are held by representatives of the local population. The State Adviser of the Azerbaijani Republic on Nationalities Policy has at his disposal a Consultative Council consisting of representatives of the ethnic minorities. Full effect is given to the right

of ethnic minorities to establish their own national cultural centres and associations, whose activities are financed from the State budget of the Republic and the President's Fund. In this year alone 200 million manats have been allocated from the State budget for these purposes. Dozens of newspapers and journals are published, radio and television broadcasts are made, books and textbooks are published and instruction is given in schools and establishments of higher education, in the languages of the national minorities.

190. Below is given a far from exhaustive list of national and cultural centres and public associations active in the Republic: "Mada" International Association (Talysh); "Avesta" Association (Talysh); Talysh Cultural Centre; Kurdish Cultural Centre: "Ronai"; Lezgin Centre: "Samur"; Centre for the Study of Lezgin Mythology; "Dagestan" Cultural Centre; Tsakhur Cultural Centre; Udin Cultural Centre: "Oraip"; Avar "Imam Shamilya" Centre; Lagych Charitable Association; Tatok Cultural Centre: "Azeri"; Russian community; Cultural Centre of the Slavs of Azerbaijan; "Sodruzhestvo" Association; Tatar Cultural Centre: "Tugan Tel"; Society of Akhyska Turks: "Beten"; Cultural Centre of Meskhetin Turks: "Akhyska"; "Shahdag" Cultural Centre; community of European Jews; community of mountain Jews; "Iudaika" international society; German national culture association; "Hynalig" Cultural Centre, etc.

191. The State has established favourable conditions for the activities of national cultural centres. Among the Lezgins alone there are national cultural centres operating on a countrywide scale and the Talysh have three such organizations. Two countrywide and two local newspapers are published in the Lezgin language. In the Talysh language a newspaper Talysh Sado and a journal Soz are published. At the same time the newspapers Lenkoran, Lerik, Chagyrish and Astara each have a page in Talysh. The newspaper Dange Kurd is the organ of the "Ronai" Kurdish Cultural Centre.

192. The State displays equal care for the development of the typical aspects, language and culture of all ethnic minorities regardless of their size. A good example is the State's attitude to the language of the inhabitants of the mountain village of Hinalyg. Despite the fact that this language does not fit into any linguistic group and is spoken only by the population of this one village, books are published in Hinalyg and there is an active Hinalyg cultural centre.

193. Azerbaijan Radio makes regular broadcasts in the Kurdish, Lezgin and Talysh languages. In Belokany region the local radio arranges broadcasts in the Avar language. In the Hachmas region the local radio makes broadcasts in the Lezgin and Tatok languages. In the Husary and Hachmas regions the local television also broadcasts in Lezgin. With State financial support the publication of new newspapers in Kurdish, Lezgin and Talysh has been launched. The State also allocates funds for the publication of textbooks and literature in the languages of the ethnic minorities. In 1994 alone 8 million manats were allocated for these purposes from Azernedra. In the present year this figure will be tripled or quadrupled.

194. The forms of national cultural life in Azerbaijan are multifarious. In the town of Husary a Lezgin State Dramatic Theatre has been founded, and in the towns of Kuba, Lenkoran and Sheky branches of the Writers' Union of

Azerbaijan have been opened. In Kuba a branch of a Baku establishment of higher education has been inaugurated. In Lenkoran, the Lenkoran State University has opened its doors.

195. In the Kakhi region of Azerbaijan Georgians are living in villages with every amenity. They are provided with houses and flats, telephones, plots of land and motor vehicles. In respect of these and other indicators of social life the Georgians are better off than their Azerbaijani fellow-villagers. Most of the material in the local newspaper is in Georgian. The local radio does broadcasts in Georgian. It is planned to begin shortly to put out broadcasts in Georgian and Avar on the Republic's radio. General educational schools in the villages of Kakhi region are teaching the Georgian language and Georgian literature.

196. In Azerbaijan Russian Orthodox churches and Jewish synagogues are functioning which receive the financial assistance they need from the President's Fund and are given reductions on their municipal rates.

197. For the Russians, who are the most numerous ethnic minority in the Republic, extensive opportunities are offered for preserving and developing their own national cultural characteristics, traditions and customs and developing their language and culture. In Azerbaijan at the moment there are 461 schools in operation in which the teaching is done in Russian; 148,400 pupils are taught in these Russian-language schools. In all the establishments of higher education in Azerbaijan there are faculties in which teaching is in Russian; there are 22,600 students receiving instruction in them. The M.F. Ahundov Institute of Russian Language and Literature is in operation: 27 newspapers and 10 journals are published in Russian and every day television and radio transmissions go out on the air in Russian Broadcasts of the Russian Public Television and the Russian Television companies come over land lines from Moscow. All the publishing houses of Azerbaijan put out textbooks and literary works in Russian. In the past year alone 111 titles were published in Russian. In Baku there is also the "Samed Vurgun" State Russian Theatre and Russian companies work in many of the leading theatres in Azerbaijan.

198. A powerful factor uniting the whole people of the Azerbaijani Republic is the struggle against the Armenian aggressors, the idea of defending the sovereignty and territorial integrity of the country. In the ranks of the national army of Azerbaijan the representatives of many ethnic minorities inhabiting the Republic - Russians, Jews, Byelorussians, Ukrainians, Lezgins, Kurds, Talysh, etc. - are fighting heroically shoulder to shoulder. Some of them have been posthumously awarded the title of Hero of Azerbaijan and orders and medals of the Republic.

199. An important circumstance characteristic of the position of ethnic minorities in Azerbaijan and the attachment of our State to the principles of democracy and defence of human rights is the fact that at the present time, despite the war with Armenia, tens of thousands of Armenians are living outside the mountain area of Karabakh, in Baku and other cities in the Republic among other places.

200. In accordance with article 45 of the Constitution of the Azerbaijani Republic, the citizens of Azerbaijan are guaranteed freedom of artistic, technical and artistic creation. This is ensured by the

wide development of scientific research, the activity of inventors and rationalizers, and the development of literature and art. The State establishes the material conditions necessary for this, supports voluntary associations and creative groups and organizes the application of inventors' and rationalizers' proposals in the national economy and other spheres of life. At the same time this article of the Constitution confirms the position under which authors' copyrights and the patent rights of inventors and rationalizers are protected by the State.

201. On 23 June 1994 the Parliament of the Azerbaijani Republic adopted an "Act on the Principles of State Policy on Science and Scientific and Technical Activity". The Act laid down legal provisions for ensuring implementation of State policy in these respects. It details the principles and priorities of scientific and technical policy and the procedure for funding scientific and technical activities, including financing by means of State allocations. It defines measures for protecting the legal rights of scientists and their social welfare, and for providing material and moral incentives to encourage creativity as well as steps taken to train scientific staff and scientific teaching personnel.

202. Under the auspices of the State Committee for Science and Technology of the Azerbaijani Republic a Patent and Licensing Board has been set up which drafts statutory regulations to protect the rights of inventors and patentees in the sphere of industrial property, keeps a State register of patent documents, and issues them on behalf of the Azerbaijani State. Azerbaijan is cooperating with international organizations. The World Intellectual Property Organization and the European Patent Office regularly provide assistance on methods to help the Republic establish a patent system. This assistance is provided under the AIKO and TASSIS programmes.

203. With a view to giving effect to the right of every individual to enjoy protection of the moral and material interests that arise in connection with any scientific, literary or artistic works of which he is the author a series of legislative decisions have been taken, particularly a Cabinet Decree of 29 October 1992 which regulated the amounts of copyright fees for the public performance of literary or artistic productions. A Cabinet Decree of 1 February 1995 laid down the amounts of the emoluments payable for fulfilling orders to write plays, music, musical dramas and literary productions for public performance or for the right to the first public performance of unpublished works. At the present time a series of bills are being made ready for adoption on the publication of scientific, literary and artistic productions.

204. On the basis of the Computerization Convention and Programme of the Azerbaijani Republic, developed under the aegis of the State Committee on Science and Technology, infrastructures are being put into place step by step that will make it possible to use information gathered for various purposes without any restriction of access. Databases on science, technology, legislation and privatization have been set up and are being maintained in working order by scientific departments of the State Committee. A communications centre has been established that makes it possible to exchange information from practically anywhere in the world. The unhindered exchange of information is provided for in all the international agreements concluded. Bills are being prepared on information and information relationships and on the protection of information and copyrights.

205. At the present time in the Azerbaijani Republic State systems of scientific and technical information and information on the social sciences have been put together and are in operation; they constitute an organizational and functional complex that serves activities connected with the purposeful and systematic collection, processing, storage and supplying of information. The systems are made up of the Republic's scientific and technological information body - the Azerbaijan Scientific and Technical Information Research Institute and its peripheral centres that serve the Republic's enterprises and organizations in the various regions and also of its scientific information body for the social sciences - the Institute of Social and Political Research and Information of the Academy of Sciences of the Azerbaijani Republic. The main purpose of the State scientific and technical information system is to ensure that citizens, enterprises, organizations and associations and all the structures of society are given access to the information they need in the most efficient and effective way. With a view to providing an information service on scientific research and development projects carried out in the Republic and the scientific theses submitted, a State Centre for the Registration of Scientific Research Proceedings and Theses has been established.

206. Inasmuch as unpublished research papers are an important source of technical and scientific information, a system has been set up in the Republic for the depositing of research and development papers not published in the generally available press but presenting considerable scientific and practical interest. Placing the papers deposited on the same footing as published work makes it possible to fix priorities in the Republic's research and development activities and to use the possibilities of this system in the presentation of theses. Dissemination of information on deposited articles, reviews, monographs, collected papers and the proceedings of conferences, meetings and symposia of a narrowly specialized nature and also on material covering a wide spectrum is carried out by publishing bibliographical indexes and reference journals.

207. With a view to effective utilization of scientific and technical information on the environment as an essential precondition for scientific and technical progress, implementation of a policy designed to solve environmental problems, rational management of the use of primary and secondary resources and the involvement of international institutions in the consideration of environmental problems connected with the Caspian Sea, the publication and dissemination of an information bulletin "Infoterra" have begun.

208. Automated databases have been established and are in operation containing information on a number of the subjects already mentioned: legislative instruments in regard to the economy; the terminology used for aspects of market entrepreneurship; conversion products; secondary resources obtained as a result of technological cycles in a number of branches of the economy. These databases permit a search for both current and retrospective data to meet the information needs of users.